



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



# LAWS OF DELAWARE.

## CONSTITUTIONAL AMENDMENTS.

### CHAPTER I.

#### AMENDMENT TO THE CONSTITUTION PROPOSED.

AN ACT to propose an Amendment to Section 17 of Article 2 of the Constitution of this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each house deeming it necessary and concurring herein, and by and with the approbation of the Governor):*

SECTION 1. That the following amendment be and the same is hereby proposed to the Seventeenth Section of Article II of the Constitution of this State, as altered by an amendment proposed in and by an act passed April 3d, 1873, and ratified by an act passed January 28th, 1875, viz: Amendment to 17th Section of Article 2 of the Constitution proposed.

Strike out of said Section 17, as altered and amended as aforesaid, the words following: "The Legislature shall have power to enact a general incorporation act to provide incorporation for religious, charitable, literary and manufacturing purposes, and for the preservation of animal and vegetable food, building and loan associations, and for draining low lands; and no attempt shall be made in such act or otherwise to limit or qualify the power of revocation reserved to the Legislature in this section." Chapter 359, Volume 14, Chapter 1, Volume 15.

And insert in lieu thereof the words following:

"The General Assembly shall also have power, by concurrent vote of two-thirds of each branch thereof, to enact general laws providing for the creation of municipal or Provision for General Incorporation Act.

## CONSTITUTIONAL AMENDMENTS.

**Exception.** private corporations, excepting railroad and canal companies; *Provided* that the power of revocation in this section reserved shall apply to corporations created under general laws in the same manner and to the same extent as to those created by special acts of the General Assembly; *And provided, also,* that this amendment shall not affect any general incorporation acts heretofore enacted, nor any corporation created thereunder."

**Secretary of State to publish the proposed amendment in two or more newspapers.** SECTION 2. That the Secretary of State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment and this act, duly to publish the above proposed amendment and this act in two or more newspapers in this State, for the consideration of the people, at least three and not more than six months before the next general election of representatives in this State.

*Passed at Dover, March 28, 1883.*

## CHAPTER 2.

## AMENDMENTS TO THE CONSTITUTION PROPOSED.

**AN ACT** proposing Amendments to the Constitution for the purpose of Increasing the Number of Senators and Representatives in the General Assembly.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met; (two-thirds of each house deeming it necessary and concurring, and by and with the approbation of the Governor):*

**Second and Third Sections Article 2 Constitution amended.** SECTION 1. That the following amendments be and the same are hereby proposed to the Second and Third Sections of the Second Article of the Constitution of this State:

*First,* Strike out the third clause of the said Second Section reading thus: "There shall be seven Representatives chosen in each county, until a greater number of Representatives shall by the General Assembly be judged necessary;



## CONSTITUTIONAL AMENDMENTS.

and then, two-thirds of each branch of the Legislature concurring, they may by law make provision for increasing their number," and in lieu thereof substitute and adopt the following, viz: "The House of Representatives shall consist of twenty-five members, eleven of whom shall be chosen from New Castle County, seven from Kent County and seven from Sussex County. *Provided*, that, of the eleven Representatives from New Castle County, four shall be chosen by the citizens residing in the City of Wilmington, and seven by the citizens residing in the residue of said county. At each biennial session of the House of Representatives, the person who was Speaker of the House of Representatives at the time of its next preceding adjournment *sine die* shall preside, or, if absent or disqualified, the person who was Speaker *pro tempore* at the time of said adjournment, and give a casting vote if the Representatives be equally divided, until its Speaker and other officers shall be duly chosen and qualified."

Representatives.  
Number increased.

Proviso.  
Applicable to New Castle County.

Presiding officer.

Tie.

*Second*, Strike out the third clause of the said Third Section reading thus: "There shall be three Senators chosen in each county. When a greater number of Senators shall by the General Assembly be judged necessary, two-thirds of each branch concurring, they may by law make provision for increasing their number; but the number of Senators shall never be greater than one-half, nor less than one-third of the number of Representatives," and in lieu thereof substitute and adopt the following, viz: "There shall be four Senators chosen from each county. *Provided*, that, of the four Senators from New Castle County, two shall be chosen by the citizens residing in the City of Wilmington and two by the citizens residing in the residue of said county. At each biennial session of the Senate the person who was Speaker of the Senate at the time of its next preceding adjournment *sine die* shall preside, or, if absent or disqualified, the person who was Speaker *pro tempore* at the time of said adjournment, and give a casting vote if the Senators be equally divided, until its Speaker and other officers shall be duly chosen and qualified."

Senators.  
Number increased.

Proviso.  
Applicable to New Castle County.

Presiding officer.

Tie.

SECTION 2. That the offices of such as may be Senators and Representatives at the time of the ratification of the foregoing amendments to the Constitution, shall not be vacated by any of the provisions of said amendments, nor otherwise affected. The first election for Representatives under the Constitution as amended by said provisions, shall be held at the general election, on the Tuesday next after the first

Adoption of amendments.

Time of election.

newspapers of this State, for the consideration of the people,  
at least three and not more than six months before the next  
general election of Senators and Representatives in this State.

*Passed at Dover, March 30, 1883.*

## CONSTITUTIONAL AMENDMENTS.

## CHAPTER 3.

## AMENDMENT TO THE CONSTITUTION PROPOSED.

## AN ACT proposing Amendments to Article VI of the Constitution of this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each house deeming it necessary and concurring herein, and by and with the approbation of the Governor):*

SECTION 1. That the following amendments be and the same are hereby proposed to Article VI of the Constitution of this State, to wit:

Amend-  
ments to Ar-  
ticle 6 of the  
Constitution

Strike out Section 2 of said article and insert the following in lieu thereof:

Section ad-  
amended.

"There shall be five judges in the State, who shall be appointed for twelve years and may be re-appointed for any number of like terms. One of them shall be Chancellor and another Chief Justice, who may respectively be appointed from and reside in any part of the State. The other judges shall be Associate Judges, who may be taken from any part of the State, but after appointment each shall reside, during his term, in the county for which he is appointed. The persons in office at the time of the ratification hereof shall hold their several offices without re-appointment for the term of twelve years thereafter, and the Associate Judge then residing in any county shall be the resident judge of that county within the meaning of this amendment.

Number of  
Judges.  
Term.

"The General Assembly shall have power, with the concurrence of two-thirds of all the members of both houses, to establish a court of law and of record in the City of Wilmington, and to confer such jurisdiction, civil and criminal, as it may deem proper, except of felonious homicide and other capital felonies; and in case of the establishment of such court, a judge therefor shall be appointed by the Governor for the like term as the judges herein mentioned, to reside, during his term, in the said city, and with such compensation as may be provided by law; and the General Assembly may provide for the appointment of such officers as may be needful for such court, and for the regulation of process issuing therefrom, and for granting writs of error from the Court of Errors

Municipal  
Court in  
City of Wil-  
mington.

Jurisdiction.

Judge ap-  
pointed by  
Governor.  
Term.  
Compensa-  
tion.

Appoint-  
ment of nec-  
essary offi-  
cers.

Writ of error  
in certain  
criminal  
cases.

Priority.

after conviction and sentence, shall have the right to a writ of error, to be issued out of the Court of Errors and Appeals, as in other cases, but such writ shall be made returnable to the next session of said court to be held after such sentence and shall have priority in said court over all causes of a civil nature and shall be heard and determined at said session, unless the said court, for cause shown, shall deem that substantial justice requires its continuance. In case any judge

## CONSTITUTIONAL AMENDMENTS.

whose duty it shall be to hold the said Superior Court, Court of General Sessions of the Peace and Jail Delivery or Court of Oyer and Terminer, shall be unable or disqualified through interest or otherwise to sit at any term or in any cause, the Chief Justice shall sit in his stead. In the absence of the judge, the clerk of either of the Courts of Chancery, Superior Court, Court of Oyer and Terminer, Court of General Sessions of the Peace and Jail Delivery, and Orphans' Court, may, upon his order, open and adjourn the same."

When Chief Justice shall sit.

When Clerk may open and adjourn Courts.

Amend Section 7 of said article by striking out the first paragraph to the word "absence," inclusive, and inserting the following in lieu thereof, to wit:

Section 7 amended.

"The Court of Errors and Appeals shall have jurisdiction to issue writs of error to the Superior Court, Court of Oyer and Terminer, and Court of General Sessions of the Peace and Jail Delivery in all cases where such writ is given by this Constitution or prescribed by the General Assembly, and to determine finally all matters in error in the judgments and proceedings of said courts, and to receive appeals from the Court of Chancery, and to determine finally all matters of appeal in the interlocutory or final decrees and proceedings in chancery. The Court of Errors and Appeals upon a writ of error shall consist of the Chancellor, the Chief Justice and the Associate Judges who did not sit in the court below. If the resident judge who ought to have tried the cause below did not there sit, he shall sit in the said cause in the Court of Errors and Appeals, unless there be legal exception to him. If the Chief Justice sat in the cause below, he shall not sit in such cause in the Court of Errors and Appeals. Upon a writ of error the Chancellor shall preside, but in case of his absence or disqualification the Chief Justice shall preside, or should he be absent or disqualified, the senior associate present shall preside. Upon appeal from the Court of Chancery, the Court of Errors and Appeals shall consist of the Chief Justice and the Associate Judges. The Chief Justice shall preside, but in case he be absent or disqualified the senior associate present shall preside. Any three of them shall be a quorum, either upon a writ of error or appeal."

Court of Errors and Appeals.

Who compose, etc.

Amend Section 7 of said article further by striking out the word "four" first occurring in paragraph two, and inserting in lieu thereof the following, to wit:

Amend Section 7.

"all the other,"

## CONSTITUTIONAL AMENDMENTS.

Amend Section 7 of said article further by striking out the last paragraph beginning with "Upon appeal" and ending with "quorum," and inserting in lieu thereof the following words, to wit:

Report of  
Decisions.

"The General Assembly shall provide by law for reporting the decisions of the said Court of Errors and Appeals, Court of Chancery, Superior Court, Court of Oyer and Terminer, and Court of General Sessions of the Peace and Jail Delivery."

Section 8  
amended.

Amend Section 8 of said article by striking out these words, to wit:

"Sitting in the Superior Court without the associate judges."

Amend said Section by inserting after the word "interested" the following words:

"as having been of counsel in the case or otherwise."

Section 10  
amended.

Amend said article further by striking out Section 10 thereof and inserting the following in lieu thereof:

Orphans'  
Court.

"The Orphans' Court in each county shall be held by the Associate Judge residing in the county, but in case such judge shall be unable or disqualified, through interest or otherwise, to sit at any time or in any matter, the Chief Justice shall sit in his stead. In all matters involving a right to real estate or to the appraised or other value thereof, and also as to such other matters as the General Assembly may provide, there shall be an appeal to the Court of Errors and Appeals. Upon such appeal the said Court of Errors and Appeals shall be composed in the same manner as upon a writ of error. The Orphans' Court shall have all the jurisdiction and powers vested by the law of this State in the Orphans' Court."

When Chief  
Justice may  
sit.

Appeal to  
the Court of  
Errors and  
Appeals.

Jurisdiction.

Section 14  
amended.

Amend Section 14 of said article by striking out the first period thereof to the word "each" inclusive, and inserting the following in lieu thereof, to wit:

Compensa-  
tion.

"The Chancellor and judges shall respectively receive for their services an annual compensation which shall be paid quarterly, and shall not be less than twenty-five hundred dollars, but the General Assembly may increase the compensation of all, or any of them, and may regulate and apportion any such increase according to justice."

General As-  
sembly may  
increase.

## CONSTITUTIONAL AMENDMENTS.

Amend Section 21 of said article by inserting in the second paragraph thereof after the word "by," first occurring therein, the following, to wit: Section 21 amended.

"such executor, administrator, guardian or other."

Amend said Section 21, in the same paragraph, by striking [out] the words "Orphans' Court for the County," and inserting in lieu thereof the following words, to wit: Section 22 amended.

"in the Court of Chancery for the county, in term or before the Chancellor at chambers;" Court of Chancery substituted.

Amend said Section 21 by adding thereto the following words, to wit:

"Such adjustment and settlement shall be final."

Amend Section 22 of said article by striking out the words, "Superior Court," wherever they occur therein, and inserting in lieu thereof, respectively, the following words, to wit:

"Court of Chancery."

Amend said Section further by adding thereto the following words, to wit:

"Such appeal, in either case, may be heard and decided by the Chancellor sitting in term or at Chambers. The Register shall have power to order issues of fact to be tried by a jury in the Superior Court, as may be prescribed by law." Appeal decided by Chancellor in Term or Chambers. Register may order jury trial in Superior Court.

Amend said Section further by striking out the words "Orphans' Court," and inserting these words:

"Associate judge residing in the county."

Associate Judge residing in the county substituted.

SECTION 2. That the Secretary of State of this State be and he is hereby directed, after the Governor shall have approved of the above proposed amendments, duly to publish the above proposed amendments, and this act, in two or more newspapers of this State, for the consideration of the people, at least three and not more than six months before the next general election of Senators and Representatives in this State. Secretary of State to publish the proposed amendment in two or more newspapers. When.

*Passed at Dover, April 19, 1883.*

*Be it enacted by the Senate and House of Representatives  
of the State of Delaware in General Assembly met :*

Christiana  
Hundred  
Northern  
Election  
District di-  
vided into  
two Election  
Districts.

Northern  
and Western

Division  
boundaries.

SECTION 1. That for the purpose of holding elections for state and county officers, in Christiana Hundred Northern Election District, the said northern election district shall be divided into two election districts, northern and western. The Christiana Hundred Western Election District shall be composed of all that portion of said hundred lying north and west of a line beginning at a road on the Brandywine at Rockland paper mills and running thence in a westerly direction by the course of said road to a point where said road intersects the public road leading from Flemings to Centre Meeting and south of DuPont's Station on Wilmington and Western Railroad, thence by said Fleming road to a point where the road leading to Campbell's shops intersects said Fleming road and north of said Wilmington and Northern Railroad, thence by said road leading to Campbell's shops, and by said road crossing the Kennet turnpike and continuing by the several courses of said road to the mill formerly known as Fulton's mill ; thence by the stream running from said mill, by its several courses and windings, to where it empties into Red Clay Creek.

Elections.  
Where held.

SECTION 2. The elections for the said Western Election District shall be held at the public house belonging to George



## OF SOVEREIGNTY, JURISDICTION AND LIMITS.

Lancaster, in Centreville, and the elections for the North Christiana Election District shall be held at the usual place as heretofore.

SECTION 3. At the said places shall be held the general elections, all special elections for the members of the General Assembly and Representative in Congress, elections for Electors of President and Vice President of the United States, and elections for Road Commissioners, for Assessors of said hundred, and for Inspectors of said election districts. The electors residing in said hundred shall vote in the election district in which they shall at the time reside.

SECTION 4. All the laws of the State touching elections held in the several hundreds of the State shall apply to elections for the same officers of the said election districts, excepting only so far as the general law for the election of assessors and inspectors and road commissioners is qualified by the provisions hereinafter contained.

SECTION 5. There shall be elected, in accordance with the provisions of Chapter 17 of the Revised Statutes, one assessor for Christiana hundred and one inspector for each of the said three districts. In such election for assessor and inspector the collector of said hundred shall be the presiding officer of Christiana North Election District, and some qualified voter of the district, to be appointed by the Levy Court of New Castle county in the month of March next previous to the election, shall be the presiding officer for Christiana West Election District, and shall have all the powers and perform all the duties of the presiding officer of such election according to law. And if at any election for assessor and inspector in said Christiana West Election District a presiding officer shall not have been appointed, or shall not be present at the time and place of opening the election, the electors present shall choose a presiding officer for said election, according to the provisions of Section 10 of Chapter 18 of the Revised Statutes. The Levy Court of New Castle county shall, at the time of the appointment, make provision for the furnishing by the Clerk of the Peace of a list of the voters of the said election district to the person appointed as presiding officer as aforesaid.

SECTION 6. Immediately upon closing the election for assessor and inspector in the said election districts, and ascertaining the state of the vote, the presiding officer and judges

## OF SOVEREIGNTY, JURISDICTION AND LIMITS.

of the election in each of the said districts shall make and sign certificates according to law of the election of inspectors, varying from the form prescribed for that purpose by omitting the assessor, and in lieu of including the election of assessor in such certificate they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor, and also of the number of votes given for each candidate voted for road commissioner.

Presiding of-  
ficers to as-  
semble.  
When and  
where.

SECTION 7. The said presiding officer and judges of all the said election districts shall assemble on the day next succeeding said election, at 12 o'clock M., at the voting place in Christiana North Election District aforesaid, and ascertain the aggregate number of votes given in each of the said election districts for each person voted for for road commissioner and for assessor. The candidate having the highest number of votes shall be declared duly elected assessor, and the candidate or candidates, according as there may be one or more to be elected, having the highest number of votes for road commissioner or commissioners, shall be declared duly elected road commissioner or road commissioners; and the presiding officers and judges shall make, sign and deliver certificates of said election according to law. If two candidates for said office shall have the highest and equal number of votes, the collector or presiding officer of said Christiana North Election District shall give a casting vote, which shall elect the candidate in whose favor it is given.

*Passed at Dover, February 13, 1883.*

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 5.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

AN ACT to amend "An act dividing Christiana Hundred in two Election Districts," passed February 9th, 1869.

*Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met :*

SECTION 1. That Chapter 385, Volume 13, Section five, be and the same is hereby amended by striking out the word "collector" in the sixteenth line of said section and inserting in lieu thereof the words "Clerk of the Peace."

Chapter 385,  
Volume 13,  
amended.

*Passed at Dover, February 13, 1883.*

CHAPTER 6.

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

AN ACT to establish the State Library.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. The State Library shall consist of the books, pamphlets, maps, charts and documents of every kind now belonging to the same, together with such others as it may hereafter acquire by gift, purchase, exchange or otherwise.

Contents of  
State Libra-  
ry.

SECTION 2. The Governor shall, on the first Tuesday of April in the year A. D. 1883, and every two years thereafter, appoint a State Librarian, who shall hold his office for the term of two years, beginning on the ninth day of April next following his appointment, and until his successor is duly appointed and qualified. Before entering upon his duties the Librarian shall take the oath of office and give a bond to the State in the sum of two thousand dollars, with two sureties

Appoint-  
ment by the  
Governor of  
State Libra-  
rian.  
Term

Bond ap-  
proved by  
Governor.

## OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES

**Condition.** to be approved by the Governor, conditioned for the faithful performance of his official duties, the safe keeping and delivery to his successor of all property belonging to the Library; such oath and bond to be filed in the office of the Secretary of State.

**Duties** **SECTION 3.** The Librarian shall have general charge of the State House, and shall see that the same is properly cared for. He shall, by and with the consent of the judges of the Court of Errors and Appeals, make such rules and regulations governing the Library and its use as may to them seem proper. He shall keep a complete record of all the books taken from the Library, and require the return of the same within thirty days, unless renewed by a written application; but in no case shall there be more than one renewal.

**Books to be returned within 30 days, unless renewed.**

**Fine. When.** In case any person taking books from the Library should fail to return the same within thirty days or renew as above provided, then, and in that event, he shall be fined by the Librarian the sum of ten cents per book for each and every week such book or books are so unlawfully retained. The said fine to be collected by the Librarian as such debts are by law now collected, and the proceeds arising from such collection to be expended by him in purchasing stationery for the Library.

**How collected and expended.**

**Record to be kept of books, etc.** **SECTION 4.** The Librarian shall also keep a complete record of all books, pamphlets, &c., received by him for the State Library, properly label, and acknowledge the receipt of the same.

**Duties as to disposal of the laws of the State and Judicial Reports.** **SECTION 5.** Immediately upon the publication of the laws by the Secretary of State, he shall deposit in the Library fifty copies, and the Librarian shall send a copy of the same to the library of each State and Territory in the Union, one to the Congressional Library, one to Delaware College, one to the Historical Society of the State of Delaware, and one to the New Castle County Law Library. The Secretary of State shall also, upon the receipt of the Judicial Reports, and the Chancery Reports, place in the Library, in addition to the number now required by law to be placed therein, a number of copies thereof equal to the number of States and Territories of the United States, and the Congressional Library, Delaware College, the Historical Society of the State of Delaware, and the New Castle County Law Library, and the Librarian shall thereupon transmit one copy thereof to the



## OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

drawn by the Librarian's draft on the State Treasurer, endorsed with the approval of the said judges, or a majority of them.

SECTION 11. That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

*Passed at Dover, March 30, 1883.*

## CHAPTER 7.

## OF THE PASSING AND PUBLICATION OF LAWS AND OF JOURNALS.

## AN ACT to revive and extend the time of Recording Private Acts.

Preamble.

WHEREAS by Chapter 4, Section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely, such as are not of a public nature, or published as such) shall be recorded in the Recorder's Office, in one of the counties of this State, within twelve months after their passage, or they shall be void ;

AND WHEREAS a number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises ; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):*

Time for recording private acts extended.

SECTION 1. That all unpublished acts heretofore passed which have not, by special acts, been repealed, and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively, shall

## OF THE PASSAGE AND PUBLICATION OF LAWS AND OF JOURNALS.

have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's Office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. This act shall be deemed and taken to be a public act, and published as such.

*Passed at Dover, March 1, 1883.*

## TITLE SECOND.

Of the Public Revenue, and the Assessment, Collection  
and Appropriation of Taxes.

### CHAPTER 8.

#### OF THE REVENUE OF THE STATE.

**AN ACT** to amend Chapter 390, Volume 13 of the Laws of Delaware,  
entitled "An act providing Revenue for this State."

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Section 13 of the act entitled "An act providing Revenue for this State," passed at Dover, April 8th, 1869, Volume 13, Chapter 390, (Revised Code, page 39,) be and the same is hereby amended by striking out the words: "Three per centum of every hundred dollars he may hold for distribution among the distributees or legatees, and at that rate for every less sum," and insert in lieu thereof the following words: "Out of the moneys belonging to such legatees or distributees respectively the tax to which they shall be severally subject."

Section 13 of  
Chap 390,  
Vol 13,  
amended.

Substitution.

*Passed at Dover, February 27, 1883.*



OF THE REVENUE OF THE STATE.

CHAPTER 9.

OF THE REVENUE OF THE STATE.

ON

A further additional Supplement to the act entitled "An act in Relation to Oysters."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That from and after the passage of this act it shall not be lawful to use or employ any boat or vessel in dredging for oysters on any of the natural oyster beds of this State unless the said boat or vessel, or at least one-half part thereof, be bona fide owned by bona fide residents of this State and wholly manned by bona fide residents of this State, nor without first procuring from the Collector a certificate, as hereinafter provided.

No boat or vessel to be used in dredging for oysters unless owned in part by bona fide residents of this State. Collector's certificate required.

SECTION 2. In order to obtain such certificate from the Collector, the owner, or one of the owners (if more than one) of any such vessel, shall file with the Collector a written application, stating the name of the vessel, the name of the owner or owners (if more than one,) and the place or places of residence of such owner or owners, and the shares in which such owners own the same, and shall verify such statement by his oath or affirmation, which the said Collector is hereby authorized to administer. The owner so applying shall file at the same time the written statement of the master of such vessel, showing the names and places of residence of the crew of the same, which shall be verified by the oath or affirmation of such master, and which the said Collector is hereby authorized to administer. If it appears by such application or statement that at least one-half part of the said vessel is bona fide owned by a resident or residents of this State, and is wholly manned by a crew all of whom are bona fide residents of this State, the said Collector shall issue and deliver to the captain of such boat or vessel a certificate of the following words, viz:

Written application to obtain certificate. Contents.

Statement verified by affidavit.

Collector to deliver certificate to captain of vessel.

This is to certify that the owner of the vessel called \_\_\_\_\_ having fully complied with the provisions of law in that behalf, the said vessel is allowed and permitted to be used and employed in dredging on any of the natural oyster beds

Contents.









## OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

drawn by the Librarian's draft on the State Treasurer, endorsed with the approval of the said judges, or a majority of them.

SECTION 11. That all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

*Passed at Dover, March 30, 1883.*

## CHAPTER 7.

## OF THE PASSING AND PUBLICATION OF LAWS AND OF JOURNALS.

## AN ACT to revive and extend the time of Recording Private Acts.

Preamble.

WHEREAS by Chapter 4, Section 3, of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely, such as are not of a public nature, or published as such) shall be recorded in the Recorder's Office, in one of the counties of this State, within twelve months after their passage, or they shall be void ;

AND WHEREAS a number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises ; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):*

SECTION 1. That all unpublished acts heretofore passed which have not, by special acts, been repealed, and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively, shall

Time for recording private acts extended.

## OF THE PASSAGE AND PUBLICATION OF LAWS AND OF JOURNALS.

have the same force and effect and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not make effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's Office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. This act shall be deemed and taken to be a public act, and published as such.

*Passed at Dover, March 1, 1883.*







of its members, provide for such emergency by temporary loan or loans until after the next ensuing session of the General Assembly.

Penalty for  
violation.

SECTION 4. In case of any violation of Section 3 of this act, the members of the Levy Court voting in favor of such violation shall be personally liable for any debt or debts so incurred.

*Passed at Dover, March 28, 1883.*



Public or private sale.	or private sale in their discretion, and to execute and deliver therefor deeds conveying to the purchasers the same free and clear of liens and discharged from the responsibility of the non-application or mis-application of the money therefor ; the net proceeds of such sale or sales, after deducting reasonable expenses, shall by said trustees be applied towards payment of the money borrowed or authorized by this act to be borrowed, or the purchase or payment of the bonds issued therefor ; <i>provided</i> that if all or any of the said real estate be sold before the bonds herein authorized be all issued, the proceed of such sales shall be applied directly towards the completion and construction of the said new buildings, and the amount of bonds to be issued shall be reduced to that extent ; <i>and provided further</i> that said real estate shall be all sold and conveyed as herein stated within five years from the passage of this act. The said real estate, while held by the trustees as aforesaid, shall be exempt from all taxation. In case either or any of the persons so named as trustees shall die before or after such conveyance to them by the Trustees of the Poor, or shall refuse to accept said trust, it shall be the duty of the Chancellor, upon the application of the Levy Court and of the Trustees of the Poor, or either of them, to appoint some other suitable person or persons in lieu of him or them so dying or refusing to accept said trust.
Title	
Proviso.	
Further proviso.	
Exempt from taxes.	
Chancellor to fill vacancies.	







---

## CHAPTER 22.

### OF ASSESSORS.

**AN ACT** to amend Section 7, Chapter 10, Revised Statutes of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**SECTION 1.** That Section 7, Chapter 10, Revised Statutes of the State of Delaware, be and the same is hereby amended by inserting after the word "alphabetically," in the fourth line of said 7th Section, the words "at least three consecutive letters of the last name thereof;" *provided* that this act shall not go into effect until the next general assessment which shall be made in accordance therewith.

Section 7 of  
Chapter 10,  
Revised  
Code,  
amended.

Proviso.

*Passed at Dover, March 27, 1883.*









officers appointed over me according to the laws of the State  
of Delaware.

\_\_\_\_\_ [SEAL]

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
18—.

\_\_\_\_\_



SEIZURE OF PUBLIC ARMS AND ACCOUTREMENTS WHICH ARE IN ANY place, or shall be in possession of any person without authority, and deposit the same in the arsenal.

**Proof.** SECTION 3. If suit be brought against any such officer for such seizure, the burden of the proof shall lie on the plaintiff. If judgment be rendered against the officer, he shall not pay  
**Costs.** any costs, but they shall be borne by the county, and paid as other allowances.

**Arms.** SECTION 4. It shall be the duty of the sheriff of each  
**Inspection.** county, at least once a year, to inspect, and, if necessary,  
**Cleaned.** cause to be cleaned the arms and accoutrements of his county, for which service he shall receive a reasonable compensation, to be allowed by the Levy Court. If he neglect to perform  
**Cost** this duty, he shall, for every offense, forfeit and pay ten dollars.

**Selling arms** SECTION 5. If any person shall sell, buy, or give away, or have in possession without authority, any of the public arms or accoutrements, he shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty, nor more  
**Penalty** than forty dollars.



division, as he may deem proper.

Troop.	<b>SECTION 11.</b> A troop of cavalry or dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, three corporals, one trumpeter, one farrier, one saddler, and fifty-four privates. A squadron shall consist of one major, and at least two troops of cavalry, or dragoons, and not more than four, and shall be formed whenever there shall be two troops of cavalry or dragoons in any brigade. A squadron shall also be entitled to one adjutant and one quartermaster. When the artillery in any brigade shall form two or more companies, they shall compose a battallion, and shall be entitled to a major, adjutant and quartermaster. There shall be annually appropriated by the State the sum of twelve hundred dollars, for the support of the organized militia of the State, to be expended under the supervision and direction of the Adjutant General, whose duty it shall be, before drawing any warrant upon the State Treasurer, to submit the item or items of expenditure to the Governor for his approval, and upon the approval of the same, by the Governor, it shall be the duty of the State Treasurer to pay any such warrants presented to him out of any moneys in his hands. <i>Provided</i> that the amount hereby appropriated shall be divided equally
Squadron.	
Artillery	
Annual appropriation.	
How expended	
Proviso.	





**Bad conduct** **SECTION 16.** Any commissioned officer who shall be guilty of disorderly, disobedient, or any unmilitary conduct, at any time when on duty, shall be put under arrest by the commanding officer, and tried by a court martial, and fined in any sum not exceeding fifty dollars, or he may be cashiered ;

**Fines.** if a non-commissioned officer, or private, shall be so guilty, he may be disarmed and put under guard, and fined at the discretion of the court martial, not less than two nor more than ten dollars ; and for the purposes of this section, officers and soldiers of the militia shall be considered on duty whenever in the headquarters or armories of their regiment or companies.

**How recovered.** **SECTION 17.** All fines imposed by a court martial, as well as by the by-laws of any volunteer company or troop, may be sued for and recovered before any justice of the peace, in the name and for the use of the said company or troop, if the amount be within his jurisdiction, or in the case of a field or staff officer, in the name of the brigadier general of the county, for the use of the battalion, squadron, division, regiment, or brigade to which he belongs. There shall be no







## OF THE PUBLIC ARMS AND DEFENSE.

By whom  
admin-  
istered.Filed with  
Secretary of  
State.Enlisted  
men to be  
sworn.Form of  
oath.By whom  
admin-  
istered.

Discharges.

This oath may be administered by any officer of this State now authorized by law to administer oaths, or by any general or field officer who may have previously sworn and subscribed to the same. A copy of the said oath shall be filed with the Secretary of State.

SECTION 27. That all persons enlisting in the militia service of the State of Delaware shall enlist for the term of three years, and shall immediately upon such enlistment take and subscribe an oath in the following form, viz :

STATE OF DELAWARE,  
— County, ss.

I, —, of the county of — and State of — do hereby acknowledge to have voluntarily enlisted [or re-enlisted] this — day —, 18—, as a soldier in the volunteer militia of the State of Delaware, for the period of three years, unless sooner discharged by the proper authority, and do also agree to accept from the State of Delaware such bounty, pay, rations and clothing as are or may be prescribed by law, and I, —, do solemnly swear [or affirm] that I will bear true faith and allegiance to the State of Delaware, and that I will obey the orders of the Governor of the State of Delaware and the orders of the officers appointed over me according to the laws of the State of Delaware.

[SEAL]

Sworn and subscribed before me this — day of —, 18—.

This oath may be administered by any officer of this State authorized to administer oaths, or by any commissioned officer in the military service of the State of Delaware.

SECTION 28. The commanding officer of the regiment shall have power, upon the recommendation of company commanders, or when satisfactory reasons are given, to grant an honorable discharge to any enlisted man whose term of enlistment may not have expired, and he shall also issue to all enlisted men having faithfully served their term of enlistment an honorable discharge, under his hand, from the service of the State. No dishonorable discharge shall be given except upon sentence by a court martial.



GENERAL PROVISIONS RESPECTING ELECTIONS.

AN ACT to amend an act entitled "An act to provide a Uniform Ballot for Election Purposes," passed at Dover, April 6th, 1881.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1 of  
Chapter 328,  
Volume 16,  
amended.

SECTION 1. That Section one of Chapter 328 of Volume 16 of the Laws of Delaware, entitled "An act to provide a uniform ballot for election purposes," be and the same is hereby amended by striking out the words "six inches long and three inches wide," where the same occur in the 6th and 7th lines of said section, and inserting in lieu thereof the words "not less than six inches nor more than six and one-quarter inches long, and not less than three nor more than three and one-quarter inches wide."

Dimensions  
of ballots.

Proviso.

Further amend said Section 1 by inserting between the word "counted" and the word "and," in the 39th line thereof, the words following: "*and provided further, that no spot, mark, defect, or blemish in said paper, made or caused in and by the manufacturing thereof, or in the print-*





assessor in such certificate they shall make and sign a certificate of the number of votes given for each candidate voted for as assessor.

Meeting of inspectors and judges.	SECTION 4. The inspector and judges of each election district, where said hundred is divided into two or more election districts, shall assemble on the day next succeeding said
Time	general election, at 12 o'clock, M., at the place of voting in said hundred as now by law required for the place of assembling of the presiding officers and judges of the election heretofore held on the first Tuesday of October respectively, and
Ascertainment of votes.	shall ascertain the aggregate number of votes given in all the districts of said hundred for each person voted for for assessor. The candidate having the highest number of votes shall be declared duly elected assessor. If two candidates for
Tie	said office shall have the highest and an equal number of votes, an additional casting vote shall be given by the inspector of that election district in said hundred as now by law given to the presiding officer of said district of the election heretofore held on the first Tuesday in October for the election of assessors and inspectors. <i>Provided, however,</i> that
Not applicable to Wilmington hundred	the provisions of this section shall not apply to Wilmington hundred.





















## OF CONTESTED ELECTIONS.

1st. The name of the person contesting such election; 2d. The name of the person whose right to the office is contested; 3d. The office; 4th. The particular cause or causes of such contest; which statement shall be verified by the affidavit of the contesting party, that the matters and things therein contained are true, as he verily believes, and that the said contest is made in good faith.

What  
alleged in  
case of ille-  
gal voting.

Written  
statement to  
opposite  
party  
What to  
contain.

SECTION 7. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were given to the person whose election is contested in the specified hundred or hundreds, election district or election districts, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office, but no testimony shall be received of any illegal votes unless the party contesting such election shall deliver to the opposite party, at least four days before the trial, a written list or statement: 1st. Of the number of illegal votes and the general character of their illegality; 2d. The hundred or hundreds, election district or districts in which said votes were cast; 3d. That he intends to prove, or endeavor to prove, the contents of said statement in the trial. And no testimony shall be received of any greater number of illegal votes than is specified in such list. The name or names of the alleged illegal voters need not be given in said list or statement.

No state-  
ment reject-  
ed for want  
of proper  
form  
Exception.

SECTION 8. No statement of the cause or causes of contest shall be rejected, nor the proceedings thereon dismissed for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceeding or cause for which the election is contested.

Duty of Pro-  
thonotary.

Citation.

Notice.  
How served.

SECTION 9. Before such statement being filed as aforesaid, it shall be the duty of the said Prothonotary to docket the said case in the Appearance Docket, as an issue to be tried at the next succeeding term of the Superior Court of said county, and immediately issue a citation for the person whose right to the office is contested, to appear on the first day of the next succeeding term of said court to make such defense as he may have in said case; which citation shall be delivered to the Sheriff, or if he be a party to the contest, to any constable of the county, and be served by him upon the party defendant in person, or, if he cannot be found, by leaving a



as in vacancies happening from any other cause.

Execution  
for costs

SECTION 16. Judgment for costs shall be rendered in all cases against the unsuccessful party to the contest, and execution may issue against him for the same.

Contestant  
to give secu-  
rity for costs

SECTION 17. Any person contesting any election under the provisions of this act, shall be required to give security for costs in such amount and manner as the court shall order. Such security, however, shall in no case be enforced unless judgment for costs be rendered against the contestant.

*Passed at Dover, March 14, 1883.*































presented by Chapter 30, Volume 15 of the Laws of Delaware, and the amendments thereto, there shall also be an annual examination, under the supervision of the State Board of Education, of all persons who may apply to the same for that purpose. Every applicant who is of good moral character, and who shall be found qualified to receive a first grade certificate, as provided by the provisions of Chapter 45, Volume 16 of the Laws of this State, and who shall also have had ten years experience in teaching schools, shall receive a certificate thereof under the hand of the State Board of Education, which certificate, so issued, shall be good for and during the life of the person so receiving the same; *provided, however*, that the said certificate may be revoked at any time by the said State Board of Education for good and sufficient cause.

Supervision  
of State  
Board

Qualifica-  
tion.

Life certifi-  
cate.

Proviso.

SECTION 7. That all acts and parts of acts inconsistent with or contrary to the provisions of this act be and the same are hereby repealed, made null and void.

Duty of Su-  
perintendent

SECTION 8. It shall be the duty of Superintendent of Free Schools to ascertain the amount due to each school district or consolidation of districts in the State under the



-----  
said colored school is situated, which sum so paid as aforesaid by the collector shall be allowed by the County Treasurer and Levy Court of the respective counties.

Section 4 ap-  
plicable to  
taxes for  
colored  
schools.

SECTION 7. That the provisions of Section 4 of Chapter 354, Vol. 16, Laws of Delaware, shall apply to the taxes collected under and by virtue of the act entitled "An act to tax colored persons for the support of their own schools," passed March 24, 1875, and the several amendments and supplements thereto.



Proceeds. real estate now belonging to said districts, and to apply the  
How applied proceeds of such sale to the erection of the school building  
hereinbefore authorized to be built.

May employ SECTION 4. *And be it further enacted,* That the said  
architect, commissioners, before proceeding to build said school house,  
plan, etc. shall employ an architect to make a plan and specifications  
of the same, and shall thereupon, by public notice of four  
Notice for weeks, in the Delaware Ledger, call for sealed proposals to  
proposals. build the said school house, and shall give out the contract  
for the entire building, to the lowest bidder, from whom they  
shall require bond, with a penalty double the amount of the  
Bond. contract, for the faithful performance of his obligations; *pro-*  
Penalty. *vided,* that before the commissioners shall enter into said  
Proviso. contract, under the provisions of this act, the plan of the said  
school house shall be submitted to and approved by a major-  
Approval of ity of the voters of the said united districts present at any  
voters. regular, annual, stated, special, or adjourned meeting of said  
districts.

*Passed at Dover, January 26, 1883.*

## CHAPTER 50.

### OF FREE SCHOOLS.

Chapter 366, A SUPPLEMENT to the act entitled "An act to Consolidate the Public  
Volume 16. Schools of the Town of Smyrna."

*Be it enacted by the Senate and House of Representatives  
of the State of Delaware in General Assembly met, (two-thirds  
of each branch of the Legislature concurring,) as follows:*

Directors Directors  
authorized authorized  
to convey to convey  
real estate real estate  
and pur- and pur-  
chase lot chuse lot  
and erect and erect  
building building  
for for  
schools. schools.

SECTION 1. That the board of directors of the "Smyrna Public Schools" is hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof, any real estate now belonging to the districts composing the "Smyrna Public Schools;" and also to purchase, take and hold a suitable and convenient lot of land or site for a new school house; and also to erect or cause to be erected, in a suitable and con-









## OF FREE SCHOOLS.

**Powers and duties of Board.** and such portions as lie outside thereof, a board of education, to be styled "The Board of Education of the Town of Harrington," whose design and purpose shall be the direction, management and superintendance of the public education of children, in said consolidated districts, between the ages of six and twenty-one years, and generally to do all other matters and things necessary to carry into effect the requirements of this act.

**Who compose the board.**

**Incorporated.**

**Corporate powers.**

SECTION 3. That the following named citizens of the United School Districts Nos. 94, 126 and 127, viz: Robert S. Downs, Robert H. Short, James A. Smith, Ezekiel Fleming, Alfred Raughley, William T. Sharp, Henry Dickerson, Amos Cole and James A. Moore, and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify, from time to time, a plan and system of education for children, between the ages aforesaid, in the said consolidated districts, and to superintend the same, to appoint, suspend and remove teachers, and provide school houses, to make by-laws, rules and regulations for their own government, and for the government of teachers and schools under their superintendance, to designate and elect officers of the said board, and to fill vacancies in any manner whatsoever caused until the next election for members of the board, and take and require, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and that they, as such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State, or elsewhere, and have a common seal, with power to alter the same at pleasure, and otherwise generally shall have all the rights, powers, privileges and franchises incident to corporations and necessary or convenient for carrying out the purposes of their creation.

**Election. Terms.**

SECTION 4. That the persons named as corporators in this act shall constitute the board of education, until the first Saturday in April A. D. eighteen hundred and eighty-three, or until their successors are duly elected and qualified. The first election for the members of the board of education shall take place on the first Saturday in April, A. D. eighteen hundred and eighty-three, at which election three



## OF FREE SCHOOLS.

Report.

SECTION 6. That the board of education shall, on or before the Monday next preceding the first Saturday in April, in every year, cause to be made out and hung up, in some public place, in said district, a full report of their accounts and proceedings, during the past year, setting forth aggregates, under their appropriate heads. They shall also depute one of their number to settle with the Auditor of the State.

Settle with Auditor.

May sell certain real estate.

SECTION 7. That the said board of education shall have power to sell, either at public or private sale, and either for cash or upon credit, as they may deem best, and to convey, by good and sufficient title, any real estate now belonging to the said School Districts Nos. 94, 126 and 127, and to erect in a suitable and convenient place a new school building or school buildings for the use of said districts, and to purchase a site upon which to erect the same.

May erect new school buildings.

Authorized to borrow money.

SECTION 8. That it shall be lawful for the said board of education, and they are hereby expressly authorized and empowered to borrow a sum of money which, together with the sum or sums of money arising from the sale of the present school property, as hereinbefore authorized to be made, shall be equal to the entire cost of the said site and of the building or buildings so authorized to be erected thereon; *provided, however,* that the sum so borrowed as aforesaid does not exceed the sum of five thousand dollars, and the same to be made payable in ten equal annual installments, and to be secured by bond, or bond and mortgage, upon the property of said district, signed by the president and treasurer of the said board of education.

Proviso.  
Not exceeding \$5,000.  
How payable.

May levy and collect additional taxes.

SECTION 9. That it shall be lawful for the said board of education to levy and collect, in like manner as State and county taxes now or may hereafter be levied and collected, such additional sum of money as will be sufficient to pay off the annual installments mentioned in the next foregoing section of this act. The said board of education shall have power and authority to levy and collect, as school taxes are now or may hereafter be levied and collected, such further sum of money as shall, in their judgment, be sufficient to carry on the schools in said district; *provided* that the sum so raised for school purposes, in any one year, shall not exceed the sum of fifteen hundred dollars.

Purposes.

Proviso.  
Not exceeding \$1,500.

Plans, etc., for school building, etc.

SECTION 10. That the said board of education shall obtain a plan for said building or buildings, hereinbefore au-

## OF FREE SCHOOLS.

thorized to be erected, and advertise for sealed proposals for building and constructing the same. The contract shall be awarded to the lowest and best bidder, who shall give bond for the faithful performance of said contract in a penal sum double the amount of his bid.

SECTION 11. That the board of education shall have the same power and authority in collecting taxes, as well those that are now due said district as those which may hereafter be levied upon the taxables of said district, that now is or may hereafter be conferred upon the commissioners of public schools in this State; and shall have the right to draw dividends from time to time made and entered to the credit of School Districts Nos. 94, 126 and 127, in Kent county.

SECTION 12. That each member of the board of education, and each officer by them appointed, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully according to the best of his knowledge and judgment. Such oath or affirmation may be administered by the president of the board, or by any member thereof, as well by any officer authorized by law to administer oaths.

SECTION 13. That this act shall be and continue in force for the term of twenty years from and after its passage, and that all laws or parts of laws which conflict with the same or any of its provisions be and the same are hereby repealed.

*Passed at Dover, March 1, 1883.*

## CHAPTER 53.

## OF FREE SCHOOLS.

AN ACT to amend an act entitled, "An act to incorporate the Board of Education of the Dover Public Schools," passed at Dover, February 26, 1877.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

SECTION 1. That the act entitled, "An act to incorporate the Board of Education of the Dover Public Schools," passed

Unpaid  
taxes. How  
collected.

Dividends.

Officers  
sworn.

By whom  
administered

In force 20  
years.

Section 7,  
Chapter 371,  
Volume 15  
amended.

## OF FREE SCHOOLS.

at Dover, February 26, 1877, be and the same is hereby amended by striking out the words "three thousand," in line eleven of Section 7 of said act, and by inserting in lieu thereof the words "thirty-five hundred."

*Passed at Dover, March 8, 1883.*

## CHAPTER 54.

## OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 23 and 161 in Sussex County under the title of "The Millsboro' Public School."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

School Districts 23 and 161, Sussex county, consolidated.

Powers.

SECTION 1. That School Districts Numbers 23 and 161, in Sussex County, as now formed, or may hereafter be formed under the laws of this State, be and they are hereby consolidated and shall be known as "The Millsboro' Public School," and shall have the same rights, privileges and powers as any other united school districts under any general law of this State.

Each district entitled to its share of school fund.

SECTION 2. That in the distribution of the school fund to which the several counties of this State are entitled, or may hereafter be entitled under any law of this State, the Trustee of the School Fund shall distribute to the said "The Millsboro' Public School" the full proportion to which they are now entitled as two districts in Sussex county.

Terms, when expire.

SECTION 3. That the terms of the school commissioners, now acting as such, in Districts Numbers 23 and 161, in Sussex county, shall expire on the first Saturday in April, 1883.

Board of directors.

SECTION 4. That on and after the first Saturday in April, 1883, the following named persons shall constitute a board of directors for the said "The Millsboro' Public School" for the period of one year after the first Saturday in April next, or until their successors may be chosen, viz: George T. Dodd, Tilghman S. Johnson, Jacob R. Godwin, John K. Cordrey and Charles B. Houston; and that on the first Satur-

Who compose.



## OF FREE SCHOOLS.

day in April, 1884, the voters of the said districts, consolidated under this act, shall elect a board of five directors in the place of those whose terms expire; two of said board of directors to be elected for one year, two others of said board of directors to be elected for two years, and one other of said board of directors to be elected for one year, and on the first Saturday in April thereafter, as their terms shall respectively expire, their successor or successors shall be elected for the period of three years, for the management of the said "The Millsboro' Public School"; but a failure to elect said board of directors, at the time specified, shall not act as a revocation of this act.

Election.  
When.Terms of  
office.Failure to  
elect.

SECTION 5. That the board of directors shall elect one of their number as president and one as secretary and treasurer, who shall hold their said offices during the continuance of their said term. The board of directors shall require the treasurer to give security, by bond or otherwise, for the faithful performance of his duties.

Officers.

Bond.

SECTION 6. That the board of directors of "The Millsboro' Public School" are hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance, to the purchaser or purchasers thereof, any real estate now belonging to the Districts Numbers 23 and 161 in Sussex county, and by this act consolidated and composing "The Millsboro' Public School;" and also to purchase, take, and hold, in fee simple, a suitable and convenient lot of land or site for a new building for the benefit of the said "The Millsboro' Public School," and the said board of directors shall erect, or cause to be erected, said new building for the use of the said "The Millsboro' Public School" as hereinafter provided.

Board of  
directors  
may convey  
certain real  
estate.May pur-  
chase land  
erect build-  
ings.

SECTION 7. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized and empowered to borrow any sum of money not exceeding twenty-five hundred dollars, for the purpose of erecting a new building for the benefit of the Millsboro' Public School, as authorized by Section 6 of this act.

May borrow  
money not  
exceeding  
\$2,500.

Purposes.

SECTION 8. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized to borrow, at one time, or of one or more individuals, in different sums and at different times, *provided* that in the whole the

Power to  
borrow.

Proviso.

## OF FREE SCHOOLS.

said "The Board of Directors of the Millsboro' Public School" shall not borrow more than twenty-five hundred dollars for the purpose aforesaid.

**Loan. How secured.** **SECTION 9.** That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, the said "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of the said "The Board of Directors of the Millsboro' Public School," which bond or bonds shall be signed by the president of the said "The Board of Directors of the Millsboro' Public School," and attested by the secretary and treasurer thereof. The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum.

**Bond.**

**Form.**

**When payable. Rate of interest.**

**Levy and collect taxes for payment of debt and support of schools.** **SECTION 10.** That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of the said Millsboro' Public School, "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Millsboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act and for the continuance and support of the said "The Millsboro' Public School," and for the payment of the principal of said bonds at maturity.

**Bonds a lien.** **SECTION 11.** That the bond or bonds given by the said board of directors of the said "The Millsboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 23 and 161, consolidated under the name of "The Millsboro' Public School," and that no personal liability shall attach to the said "The Board of Directors" making said bond or bonds other than the common liability of all owners of real estate in said united districts.

**No personal liability.**

**Taxes uncollected belong to consolidated districts.** **SECTION 12.** That all taxes heretofore assessed in either of School Districts Numbers 23 and 161, in Sussex county, and not yet collected, shall belong to and shall be deemed owing to the said districts consolidated by virtue of this act as "The Millsboro' Public School," and the said directors of

## OF FREE SCHOOLS.

the said "The Millsboro' Public School," or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to the said "The Millsboro' Public School."

Powers of collector.

SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death, resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term.

Vacancies. How filled.

SECTION 14. That all debts due and owing to the said Districts Numbers 23 and 161, in Sussex county, shall be due and owing to the said "The Millsboro' Public School," and the board of directors of the said The Millsboro' Public School shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act.

Debts due original districts belong to consolidated districts.

SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 23 and 161, in Sussex county, shall be the property of the said "The Millsboro' Public School," and the board of directors of the said "The Millsboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Millsboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to the said "The Millsboro' Public School," or for the recovery of the same.

Property of original districts belong to consolidated districts.

Recovery of property.

SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Millsboro' Public School."

Qualification of voters

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Millsboro' Public School."

*Passed at Dover, March 9, 1883.*

## OF FREE SCHOOLS.

## CHAPTER 55.

## OF FREE SCHOOLS.

Chapter 58 of Volume 17 **AN ACT to amend the act entitled "An act to Consolidate School Districts Nos. 23 and 161, in Sussex county, under the title of "The Millsboro' Public School."**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 4 of the act entitled "An act to consolidate School Districts Nos. 23 and 161, in Sussex county, under the title of The Millsboro' Public School," be and the same is hereby amended by striking out, after the word "School" in the 5th line of said section and before the word "or" in the 7th line of said section, the following: "for the period of one year after the first Saturday in April next."

Term of corporations.

SECTION 2. Amend the said section further by striking out, in the 14th line of said section after the word "elect" and before the word "and" in the 21st line, the following: "a board of five directors in the place of those whose terms shall expire, two of said board of directors to be elected for one year, two others of said board of directors to be elected for two years, and one other of said board of directors to be elected for one year"; and insert in lieu thereof the following: "two directors for the term of three years, in the places of George T. Dodd and Tilghman Johnson, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1885, the voters of said districts consolidated under this act shall elect two directors for the term of three years, in the places of Jacob R. Godwin and John R. Cordrey, whose terms of office as said directors shall then expire; and that on the first Saturday in April, A. D. 1886, the voters of said districts consolidated under this act shall elect one director for the term of three years, in the place of Charles B. Houston, whose term of office shall then expire; and nothing contained in this act shall prevent the re-election of any person or persons as a director or as directors of the said 'The Millsboro' Public School.'"

Term for which directors shall be elected.

Duty of Secretary of State.

SECTION 3. That in the publication of the act to which this is an amendment the Secretary of State be and he is hereby directed to publish said act as amended by this act.

*Passed at Dover, April 12, 1883.*



## OF FREE SCHOOLS.

shall then expire; and that on the first Saturday in April, A. D. 1886, the voters of said districts consolidated under this act shall elect one director for the term of three years, in the place of Charles B. Houston, whose term of office shall then expire; and nothing contained in this act shall prevent the re-election of any person or persons as a director or as directors of the said "The Millsboro' Public School;" and on the first Saturday in April thereafter, as their terms shall respectively expire, their successor or successors shall be elected for the period of three years, for the management of the said "The Millsboro' Public School"; but a failure to elect said board of directors at the time specified shall not act as a revocation of this act.

Failure to  
elect.

Officers.

SECTION 5. That the board of directors shall elect one of their number as president and one as secretary and treasurer, who shall hold their said offices during the continuance of their said term. The board of directors shall require the treasurer to give security, by bond or otherwise, for the faithful performance of his duties.

Bond.

Board of  
directors  
may convey  
certain real  
estate.

SECTION 6. That the board of directors of "The Millsboro' Public School" are hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and to convey, by good and sufficient deed or deeds of conveyance, to the purchaser or purchasers thereof, any real estate now belonging to the Districts Numbers 23 and 161 in Sussex county, and by this act consolidated and composing "The Millsboro' Public School;" and also to purchase, take, and hold, in fee simple, a suitable and convenient lot of land or site for a new building for the benefit of the said "The Millsboro' Public School," and the said board of directors shall erect, or cause to be erected, said new building for the use of the said "The Millsboro' Public School" as hereinafter provided.

May pur-  
chase land,  
erect build-  
ings.

May borrow  
money not  
exceeding  
\$2,500.

Purposes.

SECTION 7. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized and empowered to borrow any sum of money not exceeding twenty-five hundred dollars, for the purpose of erecting a new building for the benefit of the Millsboro' Public School, as authorized by Section 6 of this act.

Power to  
borrow.

Proviso.

SECTION 8. That the said "The Board of Directors of the Millsboro' Public School" are hereby authorized to borrow, at one time, or of one or more individuals, in different sums and at different times, *provided* that in the whole the

## OF FREE SCHOOLS.

said "The Board of Directors of the Millsboro' Public School" shall not borrow more than twenty-five hundred dollars for the purpose aforesaid.

SECTION 9. That for the purpose of securing to the loaner <sup>Loan, How secured.</sup> or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, the said "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond <sup>Bond.</sup> or bonds of the said "The Board of Directors of the Millsboro' Public School," which bond or bonds shall be signed by the president of the said "The Board of Directors of the Millsboro' Public School," and attested by the secretary and treasurer thereof. <sup>Form.</sup> The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum. <sup>When payable. Rate of interest.</sup>

SECTION 10. That for the purpose of raising the funds <sup>Levy and collect taxes for payment of debt and support of schools.</sup> necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of the said Millsboro' Public School, "The Board of Directors of the Millsboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Millsboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act and for the continuance and support of the said "The Millsboro' Public School," and for the payment of the principal of said bonds at maturity.

SECTION 11. That the bond or bonds given by the said <sup>Bonds a lien.</sup> board of directors of the said "The Millsboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 23 and 161, consolidated under the name of "The Millsboro' Public School," and that no personal <sup>No personal liability.</sup> liability shall attach to the said "The Board of Directors" making said bond or bonds other than the common liability of all owners of real estate in said united districts.

SECTION 12. That all taxes heretofore assessed in either <sup>Taxes uncollected belong to consolidated districts.</sup> of School Districts Numbers 23 and 161, in Sussex county, and not yet collected, shall belong to and shall be deemed owing to the said districts consolidated by virtue of this act as "The Millsboro' Public School;" and the said directors of

## OF FREE SCHOOLS.

**Powers of collector.** the said "The Millsboro' Public School," or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to the said "The Millsboro' Public School."

**Vacancies. How filled.** SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death, resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term.

**Debts due original districts belong to consolidated districts.** SECTION 14. That all debts due and owing to the said Districts Numbers 23 and 161, in Sussex county, shall be due and owing to the said "The Millsboro' Public School;" and the board of directors of the said The Millsboro' Public School shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act.

**Property of original districts belong to consolidated districts.** SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 23 and 161, in Sussex county, shall be the property of the said "The Millsboro' Public School," and the board of directors of the said "The Millsboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Millsboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to the said "The Millsboro' Public School," or for the recovery of the same.

**Recovery of property.**

**Qualification of voters** SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Millsboro' Public School."

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Millsboro' Public School."

*Passed at Dover, March 9, 1883.*





## OF FREE SCHOOLS.

## CHAPTER 58.

## OF FREE SCHOOLS.

AN ACT to amend Section 6 of Chapter 54, Volume 15 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

Section 6,  
Chapter 54,  
Volume 15,  
amended.

SECTION 1. That Section 6 of Chapter 54 of Volume 15 of the Laws of Delaware be and the same is hereby amended by striking out of the eighth line of said section the word "four," and in lieu thereof, after the word "exceed" and before the word "thousand," insert the word "six."

*Passed at Dover, March 27, 1883.*

## CHAPTER 59.

## OF FREE SCHOOLS.

A supple-  
ment to  
Chapter 52,  
Volume 14.

A SUPPLEMENT to an act entitled "An act to incorporate Delaware City Public School, and for other purposes," passed at Dover, March 4th, 1875.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Empowered  
to erect new  
school  
building.

Cost of site  
not to ex-  
ceed \$2,500.

SECTION 1. That the trustees and directors of the Delaware City Public School shall have full power and authority to purchase suitable grounds and building or buildings, at a cost not exceeding twenty-five hundred dollars, or to purchase suitable grounds and erect a building or buildings ample in size, with all the necessary conveniences to accommodate all the pupils residing within the Consolidated Districts 52 and 76. The walls of any building or buildings purchased or erected under this act must be constructed of good bricks or stone.

## OF FREE SCHOOLS.

SECTION 2. That if the trustees and directors herein mentioned shall deem it imprudent to raise, by taxation, the whole sum necessary to carry into effect the objects of this corporation and act at one time, they may, in their discretion, levy and raise by taxation such portion thereof as they may deem proper, and borrow, on bond or mortgage, under the hands and seal of the said trustees, or a majority of them, on the property of the said school districts or consolidated districts, or otherwise, the balance of the sum necessary to carry into effect the objects and designs of this act, and to liquidate the same by annual installments or otherwise, as may be agreed upon by said trustees and the party or parties making such loan. That for the erection of the new building or buildings the trustees shall not use from the building fund a sum greater than six thousand dollars; that no greater sum than fifteen hundred dollars shall be raised by the regular tax in any year for the erection of buildings. They shall have power to use any surplus funds that they may have in their possession, from taxation or otherwise, to aid in the erection and furnishing of the buildings, or as the needs of the school may require.

May levy  
and collect.  
taxes.

Borrow on  
bond or  
mortgage.

Payments.  
How made.

Power of  
trustees.

Amount  
raised  
limited.  
Taxes.

Surplus  
funds. How  
applied.

SECTION 3. That the trustees and directors shall have full power and authority to sell any one or all of the lots now owned by the district or districts, and to execute a deed or deeds for the same under the hands and seals of said trustees, or a majority of them, which deed or deeds so as aforesaid executed shall convey and transfer to the purchaser all the right and title of said district or districts of, in, and to the property so as aforesaid conveyed; and the trustees shall have full power and authority to dispose of and cause to be removed the school house of District No. 52, and are required to dispose of, in the following manner, the grounds known as the school and church lot, being the same as conveyed by Manuel Eyre by indenture dated Dec. 29th, A. D. 1829, and by Daniel Newbold and Rachel, his wife, by indenture dated Dec. 31st, 1829, A. D., for school and church purposes. The trustees shall first open, through said school and church lot, from Fourth street to Fifth street, a continuation of Bayard street of a width of sixty feet, and shall dispose of the residue of said school and church lots in any manner they, in their judgment, think to the best advantage for the benefit of the consolidated school districts; and said trustees shall take from the person or persons of whom said new property shall have been purchased a deed in such manner as shall

Power to  
convey present  
school  
property.

Title.

Sale of  
buildings  
and certain  
real estate.

To open certain  
street.

Deed.

## OF FREE SCHOOLS.

secure a good and valid title to said district or districts in such lands and premises so as aforesaid purchased forever.

SECTION 4. That such parts of the original act of which this act is a supplement as are repugnant to this act are hereby repealed. This act shall be a public act.

*Passed at Dover, March 28, 1883.*

## CHAPTER 60.

## OF FREE SCHOOLS.

**AN ACT to create a new School District from Districts Nos. 62, 63, 64 and 86, in Georgetown Hundred, Sussex county.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Com-  
mis-  
sion-  
ers to  
lay out ad-  
ditional dis-  
trict out of  
Districts 62,  
63, 64 and 86,  
Sussex co.

Boundaries.

SECTION 1. That Reuben Donovan, Enoch W. Donovan and Isaac A. Peck be and they are hereby appointed commissioners, and they, or a majority of them, are authorized to go upon the lands embraced within the limits of School Districts Numbers 62, 63, 64 and 86, in Georgetown hundred, Sussex county, and, if necessary, take with them a skillful surveyor, and so divide the said districts as to create a new one, to be numbered in continuation of the school districts in said county; *provided* that such school district shall begin at a point where the Milford road crosses the Gravelly branch at the extreme northwest corner of District No. 63, following the said road in a southerly direction until the line reaches McColley's Chapel, including which and proceeding in the course above mentioned until the line strikes the dividing line between Districts Nos. 62 and 86 and east of Mrs. Reynolds' farm, then following the said division line in its course until it intersects the Mifflin ditch; thence following the said ditch in its course until it intersects or crosses the dividing line of Districts Numbers 86 and 63; thence going in a northwesterly direction, including the farm of L. Donovan, on to Gravelly branch; thence following the said branch in its westerly direction to the place of beginning. And it shall be the duty of the commissioners, or a majority of them, after

## OF FREE SCHOOLS.

the said district shall have been laid out, to have a plot of the same made and lodged with the Levy Court of said county. Plot and return.

SECTION 2. The commissioners appointed by this act shall receive such compensation as the Levy Court shall determine, and the surveyor and other persons by him employed necessary for the proper performance of his duty shall receive such remuneration as is usual in such cases. The commissioners and surveyor shall be sworn to faithfully perform their several duties before entering upon them. Compensation. Oath.

SECTION 3. The commissioners shall determine the location, amount of ground necessary, size and plan of construction for the school building for the new district, and, in order to provide payment for the same, they are hereby empowered to levy a tax on all the land and other property embraced in said new district subject to taxation for school purposes. For collecting the same they are hereby endowed with all the legal powers of the collector of the hundred in which the district is located. They may employ, under their direction, said collector to collect the tax so levied; any commissioner neglecting or refusing to serve before the duties required of him under this act shall be fully complied with, thus causing a vacancy, the same shall be filled by appointment made by the associate judge residing in Sussex county, on petition to him, by three citizens of said new district. Location for school building. Taxation. How collected. Vacancies. How filled.

SECTION 4. The additional school district to be formed by and under this act, shall have all the rights, authority and privileges of other school districts of the State; and as soon as the district is laid out and plot of same lodged with the Clerk of the Levy Court in and for Sussex county, the said Clerk shall inform the Trustee of the School Fund thereof. Privileges of new school district. Duty of Clerk of the Peace.

SECTION 5. The commissioners shall continue in office until all the duties devolving upon them by this act are performed and officers are elected under the general school law for the government of the district; and while in office the commissioners shall have, in addition to the powers hereby conferred, all the authority of regularly elected school officers. Terms of office. Powers of commissioners.

*Passed at Dover, March 23, 1883.*

## OF FREE SCHOOLS.

## CHAPTER 61.

## OF FREE SCHOOLS.

## AN ACT to authorize the creation and establishment of a New School District in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

Commissioners to lay out additional districts from Districts Nos. 1 and 114, Kent county.

Location, plot and return.

Where filed.

Commissioners sworn.  
Surveyor.  
Fees.

New district known as 114.

Part of District 114 to become part of District No. 8.

SECTION 1. That John H. Hoffecker, Owen H. Nickerson, John D. Burton, William R. Cahoon, senior, and Caleb S. Pennewill, be and they are hereby appointed commissioners to view the territory embraced within the limits of School District No. 114 and School District No. 1 in Kent County, and to determine whether it is necessary and advisable that a new school district should be created out of the territory within the limits of said districts. If the said commissioners, or a majority of them, shall determine that such new district shall be created, they shall forthwith proceed to locate and lay out such new district, and shall make a return, in writing, under their hands or the hands of a majority of them, defining the boundaries and limits of such new district, accompanied by a plot showing the outlines thereof, and shall file the said return and plot in the office of the Clerk of the Peace, in and for Kent County, and therefor the said return and plot shall be duly recorded by the said Clerk of the Peace and shall become and be a public record. The commissioners shall be respectively sworn, or affirmed, before entering upon their duties; and they may call to their assistance a surveyor. The fees of the commissioners and surveyor shall be fixed, allowed and paid by the Levy Court of Kent County.

SECTION 2. That if the said commissioners shall determine that a new district should be created as aforesaid, and shall so locate the same and make return as aforesaid, such district shall be known and designated as No. 114; and when the said return shall have been made, all the territory originally included in the limits of District No. 114, and not included within the boundaries of such new district, shall immediately thereafter become and be and be treated as within the limits of School District No. 8; and the residue of School District No. 1, not included in such new District No. 114, shall thereafter be District No. 1, and from and after the making of such return, the present United School Districts



## OF FREE SCHOOLS.

## CHAPTER 63.

## OF FREE SCHOOLS.

**AN ACT** to incorporate and enlarge School District Number 90 in the Town of Bridgeville, Sussex county, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

Certain  
lands in Dis-  
tricts Nos.  
143 and 166  
added to  
District 90.

**SECTION 1.** That all of School District Number 90 in the town of Bridgeville, Sussex county, and all that part or portion of School Districts Numbers 143 and 166 which lies and is included within the corporate limits of the town of Bridgeville, and all that part or portion of School District Number 143 which includes the lands of William Gray on which he now resides, and the lands in said School District Number 143 which were purchased by the said William Gray and Philip L. Cannon, respectively, at the sale of the real estate of Loxley R. Jacobs, deceased, be and they are hereby declared incorporated into one new school district, to be known as School District Number 90, to be governed and managed by a board of public education consisting of six members, to be elected as hereinafter provided.

Board of  
education.

Board of  
education.  
Style.

Purposes.

**SECTION 2.** That from and after the passage of this act there shall be established in and for School District Number 90 in the town of Bridgeville, Sussex county, a board of education, to be styled The Board of Public Education for School District No. 90 in the town of Bridgeville, Sussex county, whose design and purpose shall be the direction, management and superintendence of the public education of children, in said District Number 90, between the ages of six and twenty-one years.

Who com-  
pose the  
board.

Powers.

**SECTION 3.** That the following named citizens of the said district, viz: Richard W. Cannon, Mitchel Layton, David D. Palmer, Philip L. Cannon, Silas B. Hazzard and W. C. Rust, and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify, from time to time, a plan and system of education for children between the





## OF FREE SCHOOLS.

after, and close at four o'clock; the election shall be held at the school house in said School District No. 90; the board shall give ten days notice of said election, and of the day, hour and place of holding the same, and of the inspectors appointed by them to hold the same, and of the number of members of the board to be elected thereat, by written or printed handbills, under the signature of the secretary of the board, posted in five of the most public places in the said School District No. 90. The board shall appoint, at least ten days before the holding of said election, an inspector and an assistant inspector, who shall preside thereat. The inspectors shall not be members of the board of education, and shall, before opening the polls, each take an oath or affirmation. The oath may be administered by the inspector, assistant inspector, a justice of the peace, or notary public. The inspectors shall appoint two clerks; one to be appointed by the inspector, and the other by his assistant, who shall keep true and correct lists of the persons voting at said election. The inspectors shall, as soon as the polls have closed, proceed to count the votes, and ascertain the result, and shall immediately, upon ascertaining the result of said election, make out and sign certificates thereof, and shall deliver, without delay, one of said certificates to the secretary of the board of education, one to each of the persons elected, and one other to the Clerk of the Peace of Sussex County, to be kept as a public record. Every person residing within the said School District No. 90 in the town of Bridgeville, Sussex county, and having right to vote for representatives in the General Assembly (and having paid his school tax for the preceding year) shall be a school voter of said district. And if any person not being so qualified shall vote at any school election held therein, he shall be deemed guilty of a misdemeanor, and shall be fined twenty-five dollars. If a vote is objected to the inspectors must unite in rejecting it, or the vote shall be accepted. If any person who shall be appointed by the board either inspector or assistant inspector shall neglect or refuse to serve as such inspector or assistant inspector without rendering an excuse, to be accepted by the board, he shall forfeit and pay to the said board the sum of five dollars, to be recovered by the board in an action before a justice of the peace. If the board shall fail to appoint an inspector, or assistant inspector, or both, ten days before said election, or if the inspector or assistant inspector, or both, shall be absent from the place of election at the time of opening the same, the school voters then shall proceed forthwith, without ballot,

Notice.

Inspector.

Oath. By whom administered.

Duties of clerks of election.

Certificates. To whom delivered.

Qualification of voters.

Illegal voting misdemeanor.

Penalty.

Inspector refusing to serve.

Forfeiture.

How recovered.

## OF FREE SCHOOLS.

to chose, from the voters present, either an inspector or assistant inspector, or both, as the case may be. If the board of education shall in any year fail to give written or printed notice of said election, as required herein, the school voters of said district shall, notwithstanding said failure, meet on the day and at the time herein specified and at the school house in said district, and proceed to elect inspectors and members of the board of education as herein provided in case of notice duly given. If an inspector or assistant inspector, or both of them, shall knowingly take the vote of a person not having the right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election as required herein, he or they shall be guilty of a misdemeanor, and shall forfeit and pay fifty dollars, to be adjudged on indictment and conviction, and to be paid to the board of education aforesaid for the benefit of the schools under their charge.

Voters to choose inspectors in certain cases Meeting held without notice.

Inspectors receiving illegal votes or refusing to give certificate. Guilty of misdemeanor. Penalty.

SECTION 6. The board shall hold stated meetings once every month, and special meetings when required by the president or a majority of the members thereof; and by a committee, or otherwise, shall visit all the schools under their charge once a week while the schools are in session. A majority of the board shall form a quorum, and any vacancy, occasioned by death, resignation, or otherwise, shall be filled by the board by choosing members thereof to serve until the next election and until their successors be duly elected and qualified; *provided, however*, that no one shall be a member of the board who is not a freeholder and a qualified voter of District No. 90; and if any one having been elected a member of the board shall not then be, or shall afterwards cease to be a freeholder and a qualified voter of said district, he shall thereupon cease to be one of the members of the board aforesaid; *provided further, however*, that this must be ascertained and declared by a two-thirds vote of the other members of said board. The members shall be sworn by each other faithfully and impartially to perform their duties as members of said board of education.

Monthly meetings.

Inspection of schools.

Quorum.

Vacancies. How filled.

Proviso.

Qualification of members.

Proviso.

Oath.

SECTION 7. The treasurer appointed by the board shall be required to give bond, with good and sufficient surety, for the faithful performance of his duties, which shall be sufficient to cover the full amount of money which may at any time come into his hands under the provisions of this act. The board shall have the right to draw, upon an order signed

Treasurer to give bond.

## OF FREE SCHOOLS.

Dividends. by their president and secretary, the amount of the dividends  
How drawn. from time to time which the school named in section one of  
this act shall be entitled to out of the State school fund; and  
Amount to shall annually assess, levy and collect from the taxables of  
be raised by said School District Number 90 in the town of Bridgeville,  
taxation not less than \$400. Sussex county, a sum not less than \$400, in the same manner  
as school taxes now are or hereafter may by law be assessed,  
levied and collected, and for that purpose shall possess all the  
powers that school commissioners now have or may hereafter  
Proviso. have; *provided* that the collector of North-West Fork hun-  
dred shall receive the warrant, with the duplicate of assess-  
ment list, whenever the board shall offer to deliver them to  
Warrant with dupli- him. The board shall publish, in a newspaper published in  
cate. To whom delivered. Sussex county, in the last issue of such paper issued in the  
Annual statement. month of March of every year, a statement of the receipts  
and expenditures during the year, showing the sources from  
which the receipts have been obtained, and the objects for  
which they were expended. They shall also settle with the  
Auditor as school commissioners do.

Officers chosen. When. SECTION 8. The school voters of said School District No.  
90 in the town of Bridgeville, Sussex county, may, at their  
annual meeting on the first Saturday in April, choose a  
chairman and secretary, and by a majority vote, to be taken  
Board of education authorized to raise more than \$400. Proviso. by ballot, may authorize and empower the board of education  
to raise, for school purposes, a certain additional sum over  
and above the sum of four hundred dollars aforesaid; *provided*  
that the two sums do not amount, in the aggregate, to more  
than the sum of seven hundred dollars. If such additional  
sum shall be authorized to be raised, two certificates of the  
Certificates of proceedings. To whom delivered. proceedings of the meeting shall be made and signed by the  
chairman and secretary; one shall be immediately delivered  
to the secretary of the board of education, the other to the  
Clerk of the Peace of Sussex county, to be kept as a public  
record.

May convey buildings and lot of ground. SECTION 9. That The Board of Public Education of  
School District No. 90 in the town of Bridgeville, Sussex  
county, as the same is constituted by the provisions of this  
act, shall have power, and they, or a majority of them, are  
hereby authorized, empowered and directed, on and after the  
first day of April of the present year, to sell and dispose of,  
either at public or private sale, as may be considered the most  
advantageous by the said board, for the highest and best price  
that can be obtained for the same, the present school house,

## OF FREE SCHOOLS.

together with the lot of ground on which the same is now Title.  
standing in said School District No. 90, and to give a good  
and sufficient title to the same, and to borrow, upon the faith  
and credit of said district, and issue bonds for the same, any Borrow not  
sum of money not exceeding two thousand dollars, for the exceeding  
use and to be applied and expended under the directions of \$2,000.  
The Board of Public Education of School District No. 90 in How applied  
the town of Bridgeville, Sussex county, for the purpose of  
purchasing a suitable site and of erecting a suitable building  
and furnishing the same for educational purposes.

SECTION 10. The board of education aforesaid, or a ma- Issue of  
jority of them, are hereby authorized, empowered and directed bonds.  
to issue forty bonds of the denominations of fifty dollars each,  
bearing interest at a rate not to exceed six per centum per  
annum, redeemable in ten years from date, but nevertheless Redeemable  
subject to redemption at the option of the said board of edu- When.  
cation at any time prior to the expiration of the said term,  
which shall be in the following form, to wit:

No. —. \$50.00. Form.  
The Board of Public Education for School District No. 90,  
in the Town of Bridgeville, Sussex County, —, 188—.   
These presents certify and make known that School Dis-  
trict No. 90, in the Town of Bridgeville, Sussex County, is  
held and firmly bound unto the bearer in the sum of fifty  
dollars, lawful money of the United States of America, which  
she binds herself to pay to the bearer on or before the —  
day of —, A. D. 189—, subject to redemption at the  
option of the board of public education of said district at any  
time prior to the expiration of said term, with interest at the  
rate of six per centum, payable at the office of the treasurer  
of the board of public education aforesaid, on the — day  
of —, until the principal be paid. Dated at Bridgeville,  
the — day of —, 188—. Witness the seal of the  
said corporation and the hands of the President, Secretary  
and Treasurer of the Board of Public Education of School  
District No. 90 in the Town of Bridgeville.

—, *President.*  
—, *Secretary.*  
—, *Treasurer.*

The said bonds shall be numbered from one to forty, and Numbered  
shall have coupons attached for the payment of interest, coupons.  
numbers to correspond with the bonds and signed by the

## OF FREE SCHOOLS.

treasurer of the board. The said bonds shall be signed by the president, secretary and treasurer of the board, and shall have the seal of the board affixed. The faith of School District No. 90 in the town of Bridgeville, Sussex County, is hereby pledged for the payment of the interest and principal of said bonds.

Special tax  
for payment  
of interest.

SECTION 11. The board of public education aforesaid are hereby authorized, empowered and directed to levy and collect an additional yearly tax which shall be levied upon the just and true value of the real estate of the persons in said School District No. 90, and at the same time as the tax is levied and collected for school purposes, which shall be sufficient to pay the annual interest on said bonds and also to create and establish a sinking fund sufficient to redeem the bonds at maturity.

Sinking  
fund.

How applied

SECTION 12. The money accumulated in the sinking fund created by authority of the foregoing section, shall, on the first day of July of each and every year, be applied to the payment of the accrued interest on said bonds and to reducing and canceling outstanding bonds in such manner as the said board of education may devise.

Sale of bonds

SECTION 13. The treasurer of the board is hereby authorized and directed to negotiate the sale of the bonds authorized to be issued by Section 10 of this act, with the least possible delay after he shall have received the same, and shall receive a compensation for his services in negotiating the sale of the said bonds, or not, at the discretion of the board. The said bonds shall not be sold for less than their par value. The treasurer shall procure a suitable book, and before delivering the bonds shall register therein the name of each purchaser, together with the number of the bonds purchased, in regular numerical order.

Compensa-  
tion.

Bonds reg-  
istered.

School com-  
mittee of  
District 90  
to make re-  
port and pay  
over money  
due.

Penalty.

SECTION 14. The school committee of School District No. 90 shall exhibit their account and report, as mentioned in Section 20 of Chapter 42 of the Revised Code, to the meeting of the board of public education of the said incorporated School District No. 90 in the town of Bridgeville, Sussex county, to be held on the first Saturday of April next, and shall pay to the said board of education all money due from them; and if they neglect to do so for ten days they shall forfeit and pay to the said The Board of Public Education of

## OF FREE SCHOOLS.

School District No. 90 in the town of Bridgeville, Sussex county, additionally the rate of twenty-five per cent. on the sum due.

*Passed at Dover, April 5, 1883.*

## CHAPTER 64.

## OF FREE SCHOOLS.

**AN ACT** to authorize the Board of Education of the Dover Public Schools to issue bonds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

SECTION 1. That it shall and may be lawful for the Board of Education of Dover Public Schools to issue bonds to an amount not exceeding in the aggregate \$16,000, for the purpose of raising the necessary funds to pay any indebtedness which has been or may be contracted or incurred by the said The Board of Education of the Dover Public Schools in and for the erection, heating and completing the new public school building lately erected in the town of Dover, or for paving, fencing and fixing up the grounds appurtenant to the said building, which said bonds may be for such amount, or amounts, as the said board may deem proper. *Provided*, that in the aggregate they shall not exceed sixteen thousand dollars, and shall bear interest at any rate not exceeding six per centum per annum, and shall be payable at such time, or times, and in such manner as the said board may determine, and shall be under the hand of the president of the said board, be sealed with its corporate seal, and be attested by the secretary of the board.

May issue  
bonds not  
exceeding  
\$16,000.  
Purposes.

Denomina-  
tion of bonds  
Proviso.

How pay-  
able.

How  
attested.

SECTION 2. That it shall also be lawful for the said Board of Education of the Dover Public Schools to execute a mortgage, or mortgages, upon any real estate which may be owned by it, the better to secure the payment of the bonds authorized by this act, which said mortgage, or mortgages, shall be under the hand of the president of said board, be sealed with its corporate seal, and be attested by the secretary of the said board.

Mortgages.

*Passed at Dover, April 10, 1883.*

## OF FREE SCHOOLS.

## CHAPTER 65.

## OF FREE SCHOOLS.

AN ACT to consolidate School Districts Nos. 37, 146 and 147 in Sussex County, under the title of "The Gumboro' Public School."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

School Districts Nos. 37, 146, 147 consolidated SECTION 1. That School Districts Numbers 37, 146 and 147 in Sussex county, as now formed or may hereafter be formed under the laws of this State, be and they are hereby consolidated and shall be known as "The Gumboro' Public School," and shall have the same rights, privileges and powers as any other united school districts under any general law of this State.

Privileges.

Each district entitled to its share of school fund. SECTION 2. That in the distribution of the school fund to which the several counties of this State are entitled or may hereafter be entitled under any law of this State, the Trustee of the School Fund shall distribute to "The Gumboro' Public School" the full proportion to which they are now entitled as three districts in Sussex county.

Terms. When expire SECTION 3. That the terms of the school commissioners now acting as such in Districts Numbers 37, 146 and 147 in Sussex county, shall expire upon the passage of this act.

Board of directors. Who compose. SECTION 4. That on and after the passage of this act the following named persons shall constitute a board of directors for "The Gumboro' Public School," or until their successors may be chosen, viz: Silas Pennewill, George Truitt, Hiram J. Ake, L. T. Hearn and James E. Betts; and that on the first Saturday in April, A. D. 1884, the voters of the said districts consolidated under this act shall elect two directors for the term of three years in the places of Silas Pennewill and George Truitt, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1885, the voters of said districts consolidated shall elect two directors for the term of three years in the places of Hiram J. Ake and L. T. Hearn, whose terms of office as directors shall then expire; and that on the first Saturday in April, A. D. 1886, the voters of the said districts consolidated shall elect one director for the term of three years in the place of James E. Betts, whose term of office shall then expire; and on the first

Election. When.

Terms of office.



## OF FREE SCHOOLS.

Saturday in April thereafter, as their terms shall respectively expire, their successor or successors shall be elected for the period of three years, for the management of the said "The Gumboro' Public School;" but a failure to elect said board of directors at the time specified shall not act as a revocation of this act. Failure to elect.

SECTION 5. That the board of directors shall elect one of their number as president and one as secretary and treasurer, who shall hold their said offices during the continuance of their said term. The board of directors shall require the treasurer to give security, by bond or otherwise, for the faithful performance of his duty. Officers. Bond.

SECTION 6. That "The Board of Directors of the Gumboro' Public School" are hereby authorized and empowered to sell, either at private or public sale, and either for cash or upon credit, and convey, by good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof, any real estate now belonging to the Districts Nos. 37, 146 and 147 in Sussex county, and by this act consolidated and composing "The Gumboro' Public School;" and also to purchase, take and hold, in fee simple, a suitable and convenient lot of land or site for a new building for the benefit of "The Gumboro' Public School;" and the said board of directors shall erect, or cause to be erected, said new building for the use of "The Gumboro' Public School," as hereinafter provided. Board of directors may convey certain real estate. May purchase lands and erect buildings.

SECTION 7. That "The Board of Directors of the Gumboro' Public School" are hereby authorized and empowered to borrow any sum of money not exceeding one thousand dollars, for the purpose of erecting a new building for the benefit of the Gumboro' Public School, authorized by Section 6 of this act. May borrow money. \$1,000. Purposes.

SECTION 8. That "The Board of Directors of the Gumboro' Public School" are hereby authorized to borrow at one time, or of one or more individuals, in different sums and at different times; *provided* that in the whole "The Board of Directors of the Gumboro' Public School" shall not borrow more than one thousand dollars for the purpose aforesaid. Power to borrow. Proviso.

SECTION 9. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, Loan. How secured.

## OF FREE SCHOOLS.

**Bonds. To whom payable.** "The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of "The Board of Directors of the Gumboro' Public School," which bond or bonds shall be signed by the president of "The Board of Directors of the Gumboro' Public School," and attested by the secretary and treasurer thereof. The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum.

**Levy and collect taxes for payment of debts and support of schools.** SECTION 10. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of "The Gumboro' Public School," "The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Gumboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act, and for the continuance and support of "The Gumboro' Public School," and for the payment of the principal of said bond at maturity.

**Bonds a lien** SECTION 11. That the bond or bonds given by the said board of directors of "The Gumboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 37, 146 and 147, Sussex county, consolidated under the name of "The Gumboro' Public School;" and that no personal liability shall attach to the said the board of directors making said bond or bonds other than the common liability of all owners of real estate in said united districts.

**No personal liability.**

**Taxes uncollected belong to consolidated districts.** SECTION 12. That all taxes heretofore assessed in either of School Districts Numbers 37, 146 and 147 in Sussex county, and not yet collected, shall belong to and shall be due and owing to the said districts consolidated by virtue of this act as "The Gumboro' Public School;" and the said Directors of the Gumboro' Public School, or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to "The Gumboro' Public School."

**Powers of collector.**

## OF FREE SCHOOLS.

SECTION 13. That if, at any time, any vacancy shall happen in the board of directors, either by death or resignation, removal, or refusal to serve, or otherwise, the remaining members of the board of directors shall have power to fill the vacancy for the remainder of the term. Vacancies  
How filled.

SECTION 14. That all debts due and owing to the said Districts Numbers 37, 146 and 147 in Sussex county, shall be due and owing to "The Gumboro' Public School;" and the board of directors of 'The Gumboro' Public School shall have the same power and authority to collect the same as was vested in the said commissioners of the said districts prior to their consolidation by this act. Debts due  
original dis-  
tricts belong  
to consoli-  
dated dis-  
tricts.

SECTION 15. That all the rights, credits and property, real and personal, belonging to either of said School Districts Numbers 37, 146 and 147 in Sussex county, shall be the property of the said "The Gumboro' Public School," and the board of directors of "The Gumboro' Public School" shall have the control and management of the same, and may maintain suits in the name of the board of directors or of "The Gumboro' Public School," for injury or damage done to the said property belonging to either of the said districts consolidated under this act, or to any property belonging to "The Gumboro' Public School," or for the recovery of the same. Property of  
original dis-  
tricts belong  
to consoli-  
dated dis-  
trict.  
  
Recovery of  
property

SECTION 16. The general law now applicable to the qualifications of voters at school elections held in this State shall be applicable to elections held for the election of a board of directors for the said "The Gumboro' Public School." Qualifica-  
tion of voters

SECTION 17. All laws of this State applicable to "Free Schools," not inconsistent with or in conflict with this act, shall be applicable to the said consolidated districts entitled "The Gumboro' Public School."

*Passed at Dover, April 12, 1883.*

## OF FREE SCHOOLS.

## CHAPTER 66.

## OF FREE SCHOOLS.

AN ACT to transfer the farm and mansion of Dr. Albert Whiteley from School District No. 31 to United Districts Nos. 32, 75, 76 and 78, in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Certain real estate transferred to School Districts Nos. 32, 75, 76, and 78, Kent county. SECTION 1. That the farm and mansion of Dr. Albert Whiteley, now situated and lying in School District No. 31 in Kent County, be and the same is hereby transferred and shall hereafter constitute a part of United School Districts Nos. 32, 75, 76 and 78, in said county.

How assessed. SECTION 2. That from and after the passage of this act the aforesaid farm and mansion shall be assessed, for school purposes, in United School Districts Nos. 32, 75, 76 and 78, in Kent County.

*Passed at Dover, April 12, 1883.*

## CHAPTER 67.

## OF FREE SCHOOLS.

AN ACT to repeal Chapter 357, Vol. 16.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Chapter 357, Volume 16, repealed. SECTION 1. That the act entitled "An act to transfer certain real estate from one school district to another in New Castle County," passed at Dover, March 1st, 1881, (being Chapter 357 of Volume 16 of the Laws of Delaware,) be and the same is hereby repealed.

*Passed at Dover, April 18, 1883.*



## OF PHYSICIANS.

## CHAPTER 69.

## OF PHYSICIANS.

AN ACT regulating the Practice of Medicine and Surgery in this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

- SECTION 1.** That it shall not be lawful for any person to practice medicine or surgery in this State who has not graduated with the degree of Doctor of Medicine, and received a diploma from some Medical College authorized to grant diplomas. *Provided*, that the provisions of this section shall not apply to persons who have been eight years in continuous regular practice in this State, or who are now, or may hereafter be authorized by the Board of Medical Examiners of this State, as prescribed in Chapter 47, Section 3 of the Revised Code of the State of Delaware.
- SECTION 2.** That any person who shall practice, or attempt to practice medicine or surgery, or shall prescribe for any sick person or persons, or perform any surgical operations for fee or reward, in violation of Section 1 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined, in a sum of not less than one hundred dollars, nor more than five hundred dollars, for each and every offense, at the discretion of the court; one-half of said fine to be for the use of the informer and the other half for the use of the State Board of Health.
- SECTION 3.** Any person who shall attempt to practice medicine or surgery by opening a transient office within this State, or who shall by handbills, or other form of written or printed matter or advertisement, assign such transient office or place to meet persons seeking medical or surgical advice or prescription, shall, before being allowed to practice as aforesaid, appear before the Clerk of the Peace of any of the counties of this State and furnish to him satisfactory evidence that the provisions of Section 1 of this act have been complied with; the said Clerk of the Peace shall thereupon issue to the person so applying a license to practice medicine and surgery in any of the counties of this State, *provided* that the person so applying shall pay or cause to be paid to the said Clerk of the Peace, as a license fee, the sum of two hundred dollars per annum for said privilege.

Who shall  
not practice.

Proviso.

Exception.

When guilty  
of misde-  
meanor.

Penalty.

Evidence of  
authority to  
practice to  
be filed with  
Clerk of the  
Peace.

Clerk of  
Peace to  
issue license.

Proviso.

Fee.

## OF PHYSICIANS.

SECTION 4. The provisions of this act shall not apply to physicians who are regular practitioners of any other State coming into this State in consultation. Not to apply to certain non-resident physicians.

SECTION 5. That within ninety days after the passage of this act, every physician engaged in the practice of medicine or surgery in this State shall register, with the Clerk of the Peace of the county in which he resides, his name, date of graduation, and the college from which he was graduated, and make oath and affirmation that the diploma or certificate of his qualification to practice, which he is hereby required to exhibit to the Clerk of the Peace, is a bona fide diploma or certificate, and conferred upon him by the institution named therein, or that he has been a practitioner of medicine and surgery for eight years or more. Any person hereafter engaging in the practice of medicine or surgery in this State shall be required to register as above; any one failing to comply with the provisions of this section shall forfeit the sum of ten dollars, to be collected by the Clerk of the Peace, before any justice of the peace of the county, in the name of the State of Delaware; and all sums collected shall be appropriated as follows: One-half to the Clerk of the Peace, and one-half to be paid by him to the County Treasurer for county purposes. Physicians to register. When and where. Oath. Diploma or certificate. Failure to comply. Penalty. How collected. How appropriated.

SECTION 6. That all acts or parts of acts inconsistent herewith are hereby repealed.

*Passed at Dover, April 19, 1883.*

## CHAPTER 70.

## OF PHYSICIANS.

AN ACT to amend Chapter 47 of the Revised Code of the State of Delaware, entitled "Of Physicians."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

SECTION 1. That Chapter 47 of the Revised Code of the State of Delaware be and the same is hereby amended by striking out all of said Chapter after Section 6 thereof. Chapter 47 of Revised Code amended.

*Passed at Dover, April 11, 1883.*

## OF THE PUBLIC HEALTH.

## CHAPTER 71.

## OF THE PUBLIC HEALTH.

AN ACT to amend an act entitled "An act to establish a State Board of Health for the State of Delaware."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 7 of  
Chapter 21,  
Volume 16,  
amended.

SECTION 1. That Section 7 of the act entitled "An act to establish a State Board of Health in the State of Delaware," passed at Dover, March 13, 1879, and published in Volume 16 of the Laws of Delaware as Chapter 21, be and the same is hereby amended by striking out the figures "100" where they occur in the last line of said section and inserting in lieu thereof the figures "250."

*Passed at Dover, February 7, 1883.*

## CHAPTER 72.

## OF PHARMACY.

AN ACT to regulate the Practice of Pharmacy in the State of Delaware.

Preamble. WHEREAS the skill of the physician to overcome disease depends largely upon obtaining reliable medicine, skillfully and intelligently prepared; and whereas many unskilled and unqualified persons are engaged in the sale and compounding of drugs, medicines, and chemicals, endangering thereby the health and lives of the public, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Illegal for  
certain per-  
sons to act  
as pharma-  
cists.

SECTION 1. On and after the first day of August, A. D. eighteen hundred and eighty-three, it shall be unlawful for any person or persons, unless a registered pharmacist within the meaning of this act, to open or thereafter conduct any pharmacy or store vending at retail, dispensing or compound-



## OF PHARMACY.

ing medicine, or poisons, within the corporate limits of any town of five hundred inhabitants or over, except as hereinafter provided.

SECTION 2. Any person in order to be registered must be either a graduate of some reputable college of pharmacy or medicine, or have had a practical experience of three years continuously, or pass an examination before the State Board of Pharmacy, or who shall constantly have in his employ or service a chief clerk, partner, or assistant, with like qualifications; that the provisions of this section shall apply to those already conducting the business, while those desiring hereafter to establish themselves in the business of vending and compounding medicines as a pharmacist must pass an examination before the State Board of Pharmacy unless they are graduates of some recognized college of pharmacy or medicine, or have a chief clerk, partner, or assistant qualified as aforesaid.

SECTION 3. That at the annual meeting of the State Medical Association in June, next ensuing, said association shall recommend from among the most skilled and intelligent pharmacist in this State, five persons (graduates in pharmacy) from whom the Governor shall appoint, before the first day of July next, three men who shall constitute the State Board of Pharmacy; they shall hold their offices for three years, or until their successors are duly appointed; that each member, within five days after being notified of his appointment, take an oath for the impartial and faithful performance of his duties.

SECTION 4. The members of said board shall receive no compensation; but shall be entitled to pay necessary expenses incurred out of any funds coming to their hands, a detailed account of which shall be carefully kept. There shall be collected by said board from each person entitled to be registered without examination the sum of one dollar, and from each person undergoing an examination, as provided in section second, five dollars; all moneys remaining in the hands of said board, after paying necessary expenses, shall be paid to the public school fund of the State.

SECTION 5. That no proprietor or manager of a store shall permit any clerk who has had less than one year's practical experience, to compound or dispense any physician's prescriptions unless under the immediate eye of the proprietor

## OF PHARMACY.

or a qualified assistant, being one who has had four years practical experience or who is a registered pharmacist.

Violation of  
act.

Misde-  
meanor.  
Penalty.

SECTION 6. Any person or persons found vending, dispensing or compounding medicine in violation of this act, after the time specified in Section first, shall be deemed guilty of a misdemeanor, and be liable to indictment with fine and costs, not less than fifty dollars nor more than one hundred dollars for each week they conduct their business in violation of this act.

Record of  
sales of  
poisons to  
be kept for  
inspection.  
Proviso.

SECTION 7. Every dispenser of drugs shall keep a record of all sales of strychnine, arsenic, opium or its preparations, unless prescribed by a physician, and the said record shall be open to inspection by proper legal authority. *Provided* that nothing in this act shall prohibit the sale of commercial drugs, in general stores, and this section shall not be deemed to require the keeping of a record in such stores of sales of the preparations of opium.

*Passed at Dover, April 17, 1883.*

## TITLE SEVENTH.

Of the Poor, the Insane, Deaf and Dumb, and the Blind.

### CHAPTER 73.

CONCERNING ALMSHOUSES AND THE POOR.

AN ACT in relation to the Trustees of the Poor of New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the real estate of the Trustees of the Poor of New Castle County, to be conveyed by them to trustees, and by said trustees to be sold, as provided in Sections 3 and 4 of the act entitled "An act authorizing the Levy Court of New Castle County to make a loan for the benefit of the Trustees of the Poor of New Castle County," passed at this session on March 30th, 1883, shall include and extend to all the real estate of said Trustees of the Poor of New Castle County situate within the present limits of the City of Wilmington, except that lot of land on the north side of Sixth street between Shipley and Orange streets, where is erected the building No. 105 West Sixth street, used as an office for said Trustees of the Poor, which is hereby exempted from the provisions of said act, and which shall continue to belong, as formerly, to said Trustees of the Poor of New Castle County.

*Passed at Dover, April 19, 1883.*

## OF FREE SCHOOLS.

"The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to make and execute and to deliver to the said loaner or loaners the bond or bonds of "The Board of Directors of the Gumboro' Public School," which bond or bonds shall be signed by the president of "The Board of Directors of the Gumboro' Public School," and attested by the secretary and treasurer thereof. The said bond or bonds may be issued and made payable at such time or times as they may deem advisable, with the interest not to exceed six per cent. per annum.

Bonds. To whom payable.

SECTION 10. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, and for the support of "The Gumboro' Public School," "The Board of Directors of the Gumboro' Public School" are hereby further authorized and empowered to assess, raise and collect, annually, as now provided by law, within the districts composing the Gumboro' Public School, such further sums of money as shall, in their judgment, be sufficient to meet the interest on the money authorized to be borrowed under this act, and for the continuance and support of "The Gumboro' Public School," and for the payment of the principal of said bond at maturity.

Levy and collect taxes for payment of debts and support of schools.

SECTION 11. That the bond or bonds given by the said board of directors of "The Gumboro' Public School" shall be a lien or liens upon all real property situated and lying in Districts Numbers 37, 146 and 147, Sussex county, consolidated under the name of "The Gumboro' Public School;" and that no personal liability shall attach to the said the board of directors making said bond or bonds other than the common liability of all owners of real estate in said united districts.

Bonds a lien

No personal liability.

SECTION 12. That all taxes heretofore assessed in either of School Districts Numbers 37, 146 and 147 in Sussex county, and not yet collected, shall belong to and shall be due and owing to the said districts consolidated by virtue of this act as "The Gumboro' Public School;" and the said Directors of the Gumboro' Public School, or some one duly authorized by them to collect said taxes, shall have the same power as is now provided by law for the collection of school taxes in any school district in this State; and the moneys so collected, after deducting the proper charges for collecting the same, shall be and belong to "The Gumboro' Public School."

Taxes uncollected belong to consolidated districts.

Powers of collector.



## OF THE INSANE.

## CHAPTER 77.

## OF THE INSANE.

## AN ACT in relation to Insane Prisoners.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

When Court  
of General  
Sessions of  
the Peace  
and Jail  
Delivery, or  
judge there-  
of, may ap-  
point three  
persons to  
inquire into  
sanity.

Report,  
when.

If found  
insane.

When com-  
mitted to  
jail or alms-  
house.

Power of  
examiners.

Witnesses.  
How sum-  
moned.

Fees.

Compensa-  
tion of ex-  
aminers.

SECTION 1. When any person shall be confined in jail as a convict or otherwise, and if as a convict either before or after the sentence of the court shall have been pronounced against him, and there exists any reasonable ground to believe that he is insane, it shall be lawful for the Court of General Sessions of the Peace and Jail Delivery of the county where such person is confined as aforesaid, or any judge thereof, upon application in writing, by any citizen of said county, to appoint three judicious and competent persons of the said county to examine and inquire into the sanity of said prisoner and report their finding to the said court or judge, as the case may be, under oath or affirmation, within ten days after their appointment. If by said report they shall find that the prisoner "*is not insane*" he shall be sentenced, if an unsentenced convict, or if otherwise he shall remain in custody until discharged by due course of law; but if they shall find the said prisoner "*to be insane*," the said court or judge, as the case may be, shall, if the said prisoner be charged or convicted of a capital felony, detain him in the county jail; but if he shall be charged or convicted of a lesser offense, may, in its or his discretion, issue an order to the sheriff of the county in whose custody the said prisoner may be, commanding him forthwith to take and deliver said prisoner at the almshouse of said county, to the keeper thereof, who shall receive him and keep him as other insane persons are kept until such time as the said court or judge, upon application, shall order him discharged or returned to said jail to be dealt with according to law. The examiners appointed as aforesaid shall have power to hear evidence and take the testimony of witnesses, and to this end may use the process of the Court of General Sessions as aforesaid for compelling the attendance of witnesses before them, which witnesses shall be allowed the same fee as witnesses in criminal cases and paid by the county in the same manner.

SECTION 2. The examiners, or persons authorized to be appointed in section one of this act, shall receive for their



## OF THE INSANE.

When sentence pronounced. recover his reason after such remand, he shall receive the sentence appointed for his crime. And to avoid any unnecessary delay or uncertainty, the court trying the prisoner shall adjourn from term to term of the Court of General Sessions of the Peace and Jail Delivery until sentence can properly be passed. Whether he have so recovered his reason may be established to the court by any evidence it may choose to consider for that purpose, and need not be by commission.

Court may adjourn from term to term.

Evidence of recovery of reason. How established.

Notification of appointment of commission. SECTION 3. The clerk of the court, upon the appointment of a commission, shall forthwith notify the members of it by a paper, to be delivered to each by the sheriff, under the hand of the clerk and the seal of the court, and the commission shall be issued to them and be delivered by the sheriff to one of them within one week after their appointment. They shall receive for their services a reasonable compensation, in the discretion of the court, not to exceed sixty dollars, to be paid by the county treasurer upon orders under the seal of the court, countersigned by a judge of the court; and the provisions of this act shall apply to cases where any person shall have been already convicted and not yet sentenced as well as to cases that may occur after the passage of this act.

Compensation.

How paid.

Fees of witnesses and officers. SECTION 4. The fees of witnesses, sheriff and clerk, and the expenses of a commission to take depositions, shall be the same as in cases of similar service, to be paid as other State costs are in capital cases.

SECTION 2. That in all future editions of the laws of this State the said act passed April 12, 1883, shall be published as hereby amended.

*Passed at Dover, April 18, 1883.*









Ch. 10: The Great Depression







## OE FISH, OYSTERS AND GAME.

## CHAPTER 90.

## OF FISH, OYSTERS AND GAME.

## AN ACT for the Culture and Protection of Fish.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**SECTION 1.** At any time after Edward O. Shakespeare, his heirs, executors, administrators, or assigns shall have stocked, or caused to be stocked, with fish, the mill-pond located near the town of Dover and known as Shakespeare's

Mill pond, a declaration to that effect, and setting forth that fact, may be filed for record in the office of Recorder of Deeds for Kent County, and it shall then be the duty of the Recorder of Deeds of said county to enter such declaration upon the public records.

**SECTION 2.** After the filing of said declaration and the posting of public notice thereof in at least four conspicuous places at or near the bounds of the said mill-pond, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to go upon the waters of the said mill-pond, or upon the land appertaining to that mill-seat, with hook, spear, bob, line, net, scoop, wire, wier, seine, boat, or any other implement or means whatsoever used in the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not less than one month nor more than one year, and fined not less than twenty dollars (one-half of which shall go to the State, the other half to the informer), either, or both, at the discretion of the court.

**SECTION 3.** After the filing and publication of the declaration as aforesaid, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to fish in the waters of the said mill-pond, or to place or set therein any net, wier, wire, seine, or other implement for the capture of fish. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be imprisoned not less than one month and fined not



## OF FISH, OYSTERS AND GAME.

less than twenty dollars (one-half to go to the State, the other half to the informer), either, or both, at the discretion of the court.

SECTION 4. After the filing and publication of the declaration as aforesaid, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to take from the said mill-pond any fish, fish spawn, or fish food. Any person so offending shall be deemed guilty of larceny, and upon conviction thereof shall be punished accordingly.

Unlawful to take fish from the pond.

Larceny.

Penalty.

SECTION 5. After the filing and publication of the declaration as aforesaid, it shall be unlawful for any person, without the consent of the said Edward O. Shakespeare, his heirs, executors, administrators, or assigns, to place in the waters of the said mill-pond any fish or fish spawn, or to do any other act or thing whereby the successful and profitable propagation and culture of fish therein may be prevented, impeded, or in any way hindered, or the fish become injured or destroyed. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be imprisoned not less than one month and fined not less than one hundred dollars (one-half to go to the State, the other half to the informer), and shall pay to the person injured full damages for the injury done.

Unlawful to place any fish, etc., in pond.

Violation misdemeanor.

Penalty.

SECTION 6. It shall be lawful for Edward O. Shakespeare, his heirs, executors, administrators, or assigns, either personally or by agent (and for no other person), to do any and every act and thing, and use any and every means and appliance necessary or advantageous for the stocking, culture and propagation of fish in the waters of the said mill-pond, and for restraining the fish within the limits thereof, and for their capture and sale from time to time.

Edward O. Shakespeare may do what is necessary for culture and propagation of fish.

SECTION 7. Nothing in this act shall be construed in derogation or curtailment of any rights or privileges which may at present be vested in the said Edward O. Shakespeare as owner, in fee simple, of the land covered by the waters of the said mill-pond.

SECTION 8. This act shall be deemed and taken to be a public act, and all acts or parts of acts inconsistent therewith are hereby repealed.

*Passed at Dover, March 27, 1883.*











## OF STRAYS.

respective duties, the legal voters present at any meeting held under this act shall proceed to elect from those present, by acclamation, a suitable person or persons to take their place; and the judge, inspector and clerk are hereby authorized to administer the oath or affirmation to each other.

SECTION 11. The result of the election shall be certified to by the judge and inspector, and attested by the clerk, and if a clear majority of the voters voting at said election have decided, by their ballots, for a stock law in said district, the certificate shall be filed in the office of the Clerk of the Peace for said county, and shall be conclusive evidence of the intention of the voters at such election. The polls shall be kept open not less than two hours, nor more than three hours, at any election held under this act.

Certificates.  
Where filed.

Evidence.  
Polls kept open. Time.

SECTION 12. The provisions of this act shall not apply to any school district where a stock law now exists, and the power to repeal any stock law under this act is reserved to the Legislature.

When not applicable.

*Passed at Dover, April 19, 1883.*

## CHAPTER 93.

## OF STRAYS.

**AN ACT to prevent Live Stock from Running at Large in School District No. 89 in Sussex County.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to be allowed to run at large on the highways or uninclosed lands within the limits of School District No. 89 in Sussex County.

Not lawful for live stock to run at large in School District No. 89 in Sussex county.

SECTION 2. That it shall be lawful for any person in said school district to take up any live stock running on the highways or uninclosed land in said district and impound the same; and they shall have the right to demand and receive

Lawful for any person to take up and impound estrays.











## OF STRAYS.

Compensa- taken up, and twenty-five cents per head for every day such  
tion. animals are kept, and may retain the same until the legal  
charges are paid.

If damages SECTION 3. In case any damages may have been sus-  
sustained tained by reason of such stock running at large, any justice  
justice of the of the peace of the county may appoint three freeholders to  
peace may estimate said damages, which, together with the legal charges  
appoint for keeping said stock, shall be paid by the person claiming  
three free- holders to estimate the same. He shall also pay a  
holders to fee of one dollar to the justice, and a fee of one dollar to each  
estimate the of the freeholders appointed by the justice.  
same.  
Fee.

*Passed at Dover, March 1, 1883.*

## CHAPTER 97.

## OF STRAYS.

**AN ACT prohibiting Live Stock Running at Large in School District  
No. 39 in Sussex County.**

*Be it enacted by the Senate and House of Representatives  
of the State of Delaware in General Assembly met:*

Not lawful SECTION 1. That it shall not be lawful, from and after  
for live stock the passage of this act, for any live stock to be willfully  
to run at allowed to run at large in School District No. 39 in Sussex  
large in county.  
School Dis-  
trict No. 39  
in Sussex  
county.

Lawful for SECTION 2. It shall be lawful for any person in said  
any person school district to take up any live stock running at large in  
to take up said district and impound the same, and they shall have the  
and impound right to demand and receive one dollar for every animal so  
estrays. taken up, and twenty-five cents per head for every day such  
animals are kept, and may retain the said animals until all  
legal charges are paid.

Compensa- It damages SECTION 3. In case any damages may have been sustained  
tion. sustained by reason of such stock running at large, any justice of the  
justice of the peace of the county may appoint three suitable freeholders to  
peace may estimate said damages, which, together with the legal charges  
appoint for keeping said stock, and one dollar to the justice and one  
three free- holders to estimate the same.  
holders to estimate the same.



## OF STRAYS.

If damages sustained by reason of the peace may appoint three freeholders to estimate the same.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

Sale.

Proceeds to be deposited with justice of the peace in Sussex county.

If unclaimed to be paid to clerk of the school district.

SECTION 4. That in case the said stock is not claimed, and all just charges are, in accordance with the act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to said sale in three conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of the justice, that they are the owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning strays.

*Passed at Dover, March 7, 1883.*



## OF STRAYS.

charges are paid. It shall be the duty of the person impounding such animals to give notice, in writing, to the owner, if known, on the same or the next succeeding day.

If damages sustained by justice of the peace may appoint three freeholders to estimate the same.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered.

If unclaimed within 30 days, to be advertised for sale.

Notices.

Sale.

Proceeds to be deposited with clerk of school district.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just claims or charges, shall be deposited with the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said school district.

*Passed at Dover, March 9, 1883.*

## CHAPTER 101.

## OF STRAYS.

AN ACT to prevent Live Stock from Running at Large in School District No. 18 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Unlawful for live stock to run at large in School District No. 18 in Sussex county.

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to be willfully allowed to run at large on the highways within the limits of School District No. 18 in Sussex County.



## OF STRAYS.

SECTION 2. That it shall be lawful for any person in the said school district to take up any live stock running on the highways in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Lawful for any person to take up and impound estrays.

Compensation.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of the county may, upon application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

SECTION 4. That in case the said stock is not claimed and all just charges, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in said district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges shall be deposited with the clerk of said school district, who shall hold the same for one year if not sooner claimed by some person who shall prove to the satisfaction of the said clerk that they were the real owner or owners of said stock; if not so claimed it shall be subject to and used by said clerk of the said district in which said stock was taken up, for school purposes of said district.

If unclaimed within 30 days, to be advertised for sale.

Notices.

Sale.

Proceeds to be deposited with clerk of school district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning estrays.

*Passed at Dover, March 9, 1883.*

## OF STRAYS.

## CHAPTER 102.

## OF STRAYS.

**AN ACT to prevent Live Stock from Running at Large in United Districts Nos. 8 and 153 in Sussex County.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Not lawful  
for live stock  
to run at  
large in  
School Dis-  
tricts Nos. 8  
and 153  
in Sussex  
county.

Lawful for  
any person  
to take up  
and impound  
estrays.

Compensa-  
tion.

If damages  
sustained  
justice of the  
peace may  
appoint  
three free-  
holders to  
estimate the  
same.

In case said  
stock is not  
claimed  
within 30  
days, to be  
advertised  
for sale.  
Notices.

Sale.

Proceeds to  
be deposited  
with any  
justice of the  
peace.

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run on the public highways within the limits of United School Districts Numbers 8 and 153 in Sussex county.

SECTION 2. That it shall be lawful for any person in the said United School Districts Numbers 8 and 153 in Sussex county to take up any live stock running on the public highways in said united districts and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may hold the same until all legal charges are paid.

SECTION 3. That in case any damage or damages may have been sustained by reason of stock running at large in said united districts, any justice of the peace of the county may, upon the application of the person damaged, appoint three substantial freeholders to estimate the said damage or damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered.

SECTION 4. That in case the said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person or persons having said stock in charge shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to said sale in three conspicuous places in the districts in which said stock was taken up, at the expiration of which time he or they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges and expenses, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the

## OF STRAYS.

satisfaction of the justice, that they are the real owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the united school districts in which said stock was taken up, to be devoted to the school purposes of said district.

If unclaimed to be paid to clerk of united school districts in which said stock was taken.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding under the general law concerning strays.

*Passed at Dover, March 9, 1883.*

## CHAPTER 103.

## OF STRAYS.

**AN ACT to prevent Live Stock from Running at Large in School District No. 40, Little Creek Hundred, Sussex County.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run at large within the limits of School District No. 40 in Little Creek hundred, Sussex county.

Not lawful for live stock to run at large in School District No. 40 in Sussex county.

SECTION 2. That it shall be lawful for any person in the said district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; *provided* that this section shall not apply to live stock that is under the care of a herdsman.

Lawful for any person to take up and impound strays. Compensation.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any justice of the peace of said county may, upon application of the person damaged, appoint three suitable freeholders to estimate the said damages, which, together with the legal charges for keeping said stock, shall be paid by the person claiming the

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

## OF STRAYS.

same. Before said stock is delivered he shall also pay a fee of one dollar to the justice of the peace, and a fee of one dollar to each of the freeholders appointed by the justice.

If unclaimed  
within 30  
days, to be  
advertised  
for sale.

Notices.

Sale.

Proceeds to  
be deposited  
with justice  
of the Peace

If unclaimed  
to be paid to  
clerk of the  
school dis-  
trict.

SECTION 4. That in case the said stock is not claimed and all just charges, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that they were the real owner or owners of said stock; if not so claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning strays.

*Passed at Dover, March 13, 1883.*

## CHAPTER 104.

## OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 29 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Not lawful  
for live stock  
to run at  
large in  
School Dis-  
trict No. 29  
in Sussex  
county.

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or unclosed lands within the bounds of School District No. 29 in Sussex county.

## OF STRAYS.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chap. 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 29. Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable.

*Passed at Dover, March 16, 1883.*

## CHAPTER 105.

## OF STRAYS.

**AN ACT** prohibiting Live Stock from Running at Large in School District No. 32 in Sussex County.

*Be it enacted by the Senate and House of Representatives in General Assembly met:*

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to be willfully allowed to run at large in School District No. 32 in Sussex county. Unlawful for live stock to run at large in school district No. 32 in Sussex county.

SECTION 2. It shall be lawful for any person in said district to take up any live stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid; *provided* that any person or persons so taking up and impounding any stock under the provisions of this section shall, within three days from the time of taking up and impounding such stock, give notice, in writing, to the owner or owners thereof if known, if not known, by five advertisements posted in the district. Lawful for any person to take up and impound strays. Compensation.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, any justice of the peace of the county may appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered. It damages sustained justice of the peace may appoint three freeholders to estimate the same.

## OF STRAYS,

In case said stock is not claimed within 30 days, to be advertised for sale. Notices.

Sale. Proceeds to be deposited with clerk of school district.

SECTION 4. In case said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just claims or charges, shall be deposited with the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

*Passed at Dover, March 20, 1883.*

## CHAPTER 106.

## OF STRAYS.

AN ACT to prohibit Live Stock Running at Large in the three adjoining School Districts Nos. 173, 120 and 119 in Sussex County.

Unlawful for live stock to run at large in School Districts Nos. 173, 120, and 119 in Sussex county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That it shall not be lawful for any live stock to willfully run at large in the three adjoining school districts, viz: Nos. 173, 120 and 119 in Sussex county, after November 1st, 1883.

Lawful for any person to take up and impound strays.

SECTION 2. *Be it further enacted,* That it shall be lawful for and the duty of any person living in aforesaid districts to take up and impound any such stock running at will on the highways in said districts, and they shall have the right to demand and receive seventy-five cents for each and every animal so taken up, and twenty cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Compensation.

Notices.

SECTION 3. *Be it further enacted,* That it shall be the duty of any person or persons who shall have taken up and impounded any such stock as aforesaid, to give notice forthwith, in person or in writing, to the owner or owners of such stock so impounded, if the owner or owners shall be to him or them known, and if not known, to post a notice in four of

## OF STRAYS.

the most public places in the districts, stating where such stock may be found, and describing such animal or animals by general description, and in case any damage has been done by such stock as have been taken up as aforesaid, any justice of the peace of the county may appoint three suitable freeholders to estimate said damage, which justice of the peace shall have a fee of seventy cents, and each of the three freeholders appointed and serve\* to estimate the damage shall be paid a fee of fifty cents, [which,] together with the damages and all legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered to him or them.

If damages sustained justice of the peace may appoint three freeholders to estimate the same.

SECTION 4. *Be it further enacted*, That if the owner or owners of such stock do not come forward and claim the said stock, and pay the expenses imposed upon him or them by this act before the expiration of ten days from the day of impounding such stock, the person or persons having taken up and impounded such stock shall advertise the property for sale, by giving eight days notice by printed or written advertisements, posted in four of the most public places in said school districts; and if the owner or owners shall come forward, at any time before such sale, and pay the expenses, the person or persons so impounding such stock shall give the same up to him or them.

In case said stock is not claimed within ten days, to be advertised for sale.

Notices.

SECTION 5. *Be it further enacted*, That the moneys received from the sale of such property, after deducting all expenses and cost provided for in this act, shall be paid over to the treasurer of the said school districts in which the stock is found, who shall pay the same to the owner or owners of such stock, when he is satisfied he or they were the right owner or owners, if called for at any time within sixty days from the day of sale; if not called for within that time, the moneys shall be applied to the use and benefit of said school districts.

Proceeds of sale paid over to the treasurer of school district.

Duty of said treasurer.

*Passed at Dover, March 20, 1883.*

\*So enrolled and in original bill.

## OF STRAYS.

## CHAPTER 107.

## OF STRAYS.

**AN ACT to prohibit Live Stock from Running at Large in School District No. 140 in Sussex County.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Unlawful for live stock to run at large in School District No. 140 in Sussex county. **SECTION 1.** That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 140 in Sussex County.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable. **SECTION 2.** That the provisions of Section 2, 3 and 4 of Chapter 60, Volume 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 140.

*Passed at Dover, March 21, 1883.*

## CHAPTER 108.

## OF STRAYS.

**AN ACT prohibiting Live Stock from Running at Large in School District No. 78, New Castle County.**

*Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met :*

Unlawful for live stock to run at large in School District No. 78 in Sussex county. **SECTION 1.** That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of School District No. 78, New Castle county.

Compensation. **SECTION 2.** It shall be lawful for any person in said school district to take up any live stock running at large within the limits of said district and impound the same, and any person so doing shall have the right to demand and receive one dollar for every animal so taken up, and twenty-



## OF STRAYS.

five cents per head for every [day] such animals are kept, and may retain the same until all legal charges are paid.

SECTION 3. In case any damages may have been sustained by reason of such stock running at large, upon the application of the person sustaining the damage, or their agent, to any justice of the peace of New Castle county, [he] shall appoint three suitable freeholders to estimate said damages, which, together with the legal charges for impounding and keeping said stock, and a fee of one dollar to the justice and one dollar each to the freeholders appointed by the justice, shall be paid by the person claiming the stock before it is delivered to him, her or them.

In case damages are sustained justice of the peace may appoint three persons to estimate the same.

SECTION 4. In case said stock is not claimed and all just charges are not, in accordance with this act, satisfied within fifteen days, the person having said stock in charge shall advertise the same at public sale by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time he shall proceed to sell the same, the proceeds of which sale, after deducting all just claims and charges, shall be deposited with some justice of the peace in said county who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the justice that he was the real owner of said stock. If not so claimed it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

If unclaimed within 15 days, to be advertised for sale.

Notices.

Sale.

Proceeds to be deposited with justice of the peace, to hold for one year.

If unclaimed then, to be paid over to clerk of School District.

*Passed at Dover, March 28, 1883.*

## OF STRAYS.

## CHAPTER 109.

## OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 43 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful for live stock to run at large in School District No. 43 in Sussex county. SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 43, Sussex county.

Provisions of Sections 2, 3, and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 43. SECTION 2. That the provisions of Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 43.

*Passed at Dover, March 30, 1883.*

## CHAPTER 110.

## OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 55 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful for live stock to run at large in School District No. 55, Sussex county. SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run [at large] on the highways or uninclosed premises in School District No. 55 in Sussex county.

Lawful for any person to take up and impound estrays. Compensation. SECTION 2. It shall be lawful for any person in said district to take up any stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.



## OF STRAYS.

the damages, which, together with the legal charges for keeping said stock, shall be paid by the persons claiming the same before the same is delivered.

**SECTION 4.** That in case the said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person having such stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some justice of the peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove, to the satisfaction of the justice, that they are the real owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district of the hundred in which said stock was impounded, for school purposes in said district.

*If unclaimed within 30 days, to be advertised for sale.*  
*Notices.*  
*Sale.*  
*Proceeds to be deposited with justice of the peace.*  
*How long.*  
*When paid over to clerk of school district.*

**SECTION 5.** That the provisions of this act shall not be construed to include the marshes known as the Great and Beach marshes, or any of the public marshes contained within the limits of the said hundred. This act shall not go into effect until a sufficient fence shall be erected at some point below the Rehoboth City lands, extending from Rehoboth Bay to the Atlantic Ocean, with suitable gate or gates, for the convenience of the neighborhood; *and it is further provided* that it shall be lawful for the citizens of Lewes and Rehoboth hundred to erect said fence and gates at or near the above named point.

*Marshes not included.*  
*When act to go into effect.*  
*Fences.*  
*Gates.*  
*Proviso.*

**SECTION 6.** That nothing herein contained shall be construed to repeal any of the sections of Chapter 68 of Volume 16, Laws of Delaware, or Chapter 462, Volume 15, Laws of Delaware.

*Passed at Dover, April 4, 1883.*



## OF STRAYS.

Provisions of  
Sections 2, 3,  
and 4 of  
Chapter 60,  
Volume 16,  
applicable.

SECTION 2. That Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are hereby made applicable to said School District No. 38.

*Passed at Dover, April 11, 1883.*

## CHAPTER 114.

## OF STRAYS.

AN ACT to prevent Stock from Running at Large in School District No. 31, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Not lawful  
for live stock  
to run at  
large in  
School Dis-  
trict No. 31  
in Sussex  
county.  
Lawful for  
any person  
to take up  
and impound  
estrays.  
Compensa-  
tion.

SECTION 1. That it shall not be lawful for any live stock to run at large in School District No. 31 in Sussex county after November 1st, 1883.

SECTION 2. It shall be lawful for any person in the said school district to take up any live stock running at large on the highways in said district and impound the same, and they shall have the right to demand and receive seventy-five cents for every animal so taken up, and twenty cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Sections 3, 4,  
and 5 of act  
in relation to  
School Dis-  
tricts Nos.  
173, 120, and  
114, passed  
March 20,  
1883, appli-  
cable.

SECTION 3. That Sections 3, 4 and 5 of the act passed at Dover, March 20th, 1883, relating to live stock in School Districts Nos. 173, 120 and 119, shall have the same force, effect and authority in their application to this act as if they were herein re-enacted section by section.

*Passed at Dover, April 12, 1883.*



## OF ROADS AND BRIDGES.

## CHAPTER 117.

## OF ROADS AND BRIDGES.

**AN ACT** limiting the Power of the Road Commissioners of Christiana Hundred, New Castle County, to Levy and Collect a Tax.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Com-  
mis-  
sioners lim-  
ited as to  
taxation.

**SECTION 1.** That hereafter the Road Commissioners of Christiana Hundred shall not levy and collect, for road purposes in said hundred, a tax, for any one year, exceeding in amount the sum of five thousand five hundred dollars.

*Passed at Dover, February 28, 1883.*

## CHAPTER 118.

## OF ROADS AND BRIDGES.

**AN ACT** to amend Chapter LX of the Revised Code of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Sections 6  
and 10 of  
Chapter 60,  
Revised  
Code,  
amended.

**SECTION 1.** That Section 6 of Chapter LX of the Revised Code of 1874 be amended by adding to the said Section 6, on page 322 of the said Revised Code, at the end of said section, the following words, to wit: "That when, upon an order to lay out a new public road, the commissioners have made return that such road is not needed for public convenience, it shall not be lawful to make any further petition to lay out the same road, and the court shall not make any order to lay out the same road until after the expiration of three years from and after the granting of the first order."

**SECTION 2.** That Section 10 of said Chapter 60 of the Revised Code be and is hereby amended in line 10 of Section 10 by adding after the word "granted" the words: "and no costs paid by persons applying for a review shall be reimbursed



## OF ROADS AND BRIDGES.

to them by the Levy Court." And amend further, by striking out all the words after the word "granted," in the 10th line, to the word "the" in the 13th line of said section.

*Passed at Dover, March 26, 1883.*

## CHAPTER 119.

## OF ROADS AND BRIDGES.

**AN ACT** to lay out a new Public Road in Mispillion Hundred in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Henry C. Wolcott, Ezekiel Fleming and G. W. Cain, Jesse Ward, George Bastian, five judicious <sup>Commissioners.</sup> and impartial citizens and freeholders of Kent county, be and they are hereby appointed commissioners to go upon and view the lands and determine whether there is need of a public road in Mispillion hundred, Kent county, beginning on the south side of Liberty street, in the centre of Fleming <sup>Location.</sup> street, where it intersects said Liberty street, in the town of Harrington, in Mispillion hundred, Kent county, and running from thence in a northerly direction with Weener avenue parallel with the Delaware Railroad, till it intersects the lands of Joseph Ward, thence same course on lands of said Joseph Ward to a point on his lands near a prong of Brown's branch; thence on lands of said Joseph Ward a northerly course and across lands of Duncan & Jellison, across lands of Eli Harrington, Charles Harrington and Martin W. Harrington, on or near lands of John Booth, Sr., and across lands of the heirs of John R. Curtis, as they may deem best, until it intersects the public road leading from the Asbury M. E. Church to Frederica. And if they, or a majority of them, shall determine that there is need for such new public road, they shall, with the assistance of a surveyor, <sup>Surveyor.</sup> by them to be selected, lay out such new public road as they shall deem proper, and shall cause a plot thereof to be made, <sup>Plot.</sup> representing the courses and distances thereof, with notes of of the wood lands, cleared lands, and improvements by or

## OF STRAYS.

## CHAPTER 107.

## OF STRAYS.

AN ACT to prohibit Live Stock from Running at Large in School District No. 140 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Unlawful for live stock to run at large in School District No. 140 in Sussex county. SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 140 in Sussex County.

Provisions of Sections 2, 3, and 4 of Chapter 60, Volume 16, applicable. SECTION 2. That the provisions of Section 2, 3 and 4 of Chapter 60, Volume 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 140.

*Passed at Dover, March 21, 1883.*

## CHAPTER 108.

## OF STRAYS.

AN ACT prohibiting Live Stock from Running at Large in School District No. 78, New Castle County.

*Be it enacted by the Senate and House of Representatives of the State Delaware in General Assembly met :*

Unlawful for live stock to run at large in School District No. 78 in Sussex county. SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of School District No. 78, New Castle county.

Compensation. SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large within the limits of said district and impound the same, and any person so doing shall have the right to demand and receive one dollar for every animal so taken up, and twenty-



## OF STRAYS.

## CHAPTER 109.

## OF STRAYS.

**AN ACT to prohibit Live Stock from Running at Large in School District No. 43 in Sussex County.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful for live stock to run at large in School District No. 43 in Sussex county.

**SECTION 1.** That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within the bounds of School District No. 43, Sussex county.

Provisions of Sections 2, 3, and 4 of Chapter 60, Vol. 16, Volume 16, applicable.

**SECTION 2.** That the provisions of Sections 2, 3 and 4 of Chapter 60, Vol. 16 of the Laws of Delaware, be and the same are in full force and effect in said above named School District No. 43.

*Passed at Dover, March 30, 1883.*

## CHAPTER 110.

## OF STRAYS.

**AN ACT prohibiting Live Stock from Running at Large in School District No. 55 in Sussex County.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful for live stock to run at large in School District No. 55, Sussex county.

**SECTION 1.** That it shall not be lawful, from and after the passage of this act, for any live stock to run [at large] on the highways or uninclosed premises in School District No. 55 in Sussex county.

Lawful for any person to take up and impound estrays.  
Compensation.

**SECTION 2.** It shall be lawful for any person in said district to take up any stock running at large in said district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.











## OF ROADS AND BRIDGES.

SECTION 3. That said commissioners shall cause a plot to <sup>Plot.</sup> be made, representing the courses, distances and width, and whose lands are affected by the widening and straightening said road, and they shall assess the damages of every owner of the lands affected, taking into consideration all the benefit <sup>Damages.</sup> as well as injury which will accrue to each owner; and they shall make computation of the cost of widening and straightening, and shall make return of all their proceedings to the Clerk of the Peace in and for Kent county, and [said return] <sup>Computation of cost. Return.</sup> shall be by him filed in his office as a record of a public road <sup>Where filed.</sup> in Kent county. The report shall be under the hands of said commissioners, or a majority of them.

SECTION 4. It shall be the duty of the Clerk of the Peace <sup>Duty of Clerk of the Peace.</sup> at the next regular or adjourned session of the Levy Court of Kent county, after the return has been made to him, and by him filed in his office, to lay the same before the Levy Court, that an appropriation may be made for widening and straightening said road, and that the said road, as laid down, shall be worked and managed the full width laid down, and shall be under the direction of the Levy Court as all other public roads are in Kent county, and shall, in all respects, be a public road the full width laid down and returned by said commissioners.

SECTION 5. That the commissioners shall be sworn, or <sup>Commissioners sworn.</sup> affirmed, to perform their duties faithfully and impartially. Any commissioner neglecting or refusing to serve, or dying before the duties required of him under this act shall be fully completed, the associate judge residing in Kent county may appoint some person or persons to fill the vacancy or <sup>Vacancies. How filled.</sup> vacancies so occurring, upon the application of three citizens of Kent county, by petition preferred to said judge.

SECTION 6. That the commissioners shall be allowed one <sup>Compensation.</sup> dollar per day each, for each and every day employed in the performance of their duties, and the surveyor shall be allowed such compensation as shall be fixed by the Levy Court. <sup>How paid.</sup> The fees of commissioners, surveyor and other persons employed, shall be paid by Kent county.

*Passed at Dover, March 8, 1883.*





.

.

1



## OF ROADS AND BRIDGES.

## CHAPTER 129.

## OF ROADS AND BRIDGES.

## AN ACT to lay out a New Public Road in Mispillion Hundred in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**SECTION 1.** That Clement C. Simpson, Jacob Graham and James Voss, three judicious and impartial citizens of Kent county, be and they are hereby appointed to go upon and view the premises and determine whether there is need for a new public road in Mispillion hundred in Kent county, to begin in the centre of the public road leading from Vernon to Burrsville, near where the old Quaker Church formerly stood, at the end of an old roadway or outlet between lands of John A. Cahall and lands of James P. Hopkins, and to run from thence, with said old roadway or outlet as they may deem best, a southerly direction to an angle thereof on or near lands of William W. Simpson, and thence across lands of said William W. Simpson and on or near lands of Willard Layton, a southwesterly direction as they may deem best, to intersect the public road leading from Burrsville to Marsh Hope Bridge at the intersection of another road leading from the said last named road to Potter's Landing, between lands of said Willard Layton and lands of the heirs of John Fearn, deceased, and if they or a majority of them shall determine that there is need of a new road, they shall lay out the same, and assess the damages and costs, and the expense thereof of making said road, and cause a survey thereof to be made by some skillful surveyor by them to be selected, and cause a plot to be made to accompany their return to the Levy Court of Kent county. The Levy Court may make appropriation for opening the same as a public road, after making allowance for the costs on the proceedings, and when the draught and return shall have been so returned and approved, the said new road shall be deemed and taken as a public road in like manner as other public roads in Kent county.

Clement C. Simpson, Jacob Graham, and James Voss commissioners to examine certain road.

Location.

Majority may decide as to new road.  
Damages.

Surveyor.

Plot and return.

Allowance.

Public road.

Commissioners and surveyor to be sworn.

**SECTION 2.** That the commissioners and the surveyor be sworn or affirmed, before entering upon the duties hereby assigned, to perform the same faithfully and impartially;



## OF ROADS AND BRIDGES.

and approval of the Levy Court of said county, it shall be lawful for them to enclose so much of said public road as they are hereby authorized to change and vacate as aforesaid; and the new public road in lieu thereof so opened by them shall be deemed and taken to be, to all intents and purposes, a public road in said county.

*Passed at Dover, March 27, 1883.*

## CHAPTER 131.

## OF ROADS AND BRIDGES.

**AN ACT to Change the Course of a Public Road in Broad Creek Hundred, Sussex County.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**SECTION 1.** That William G. Moore and Janey Wright be and they are hereby authorized to change and straighten a public road now running across the lands of said William G. Moore and Janey Wright so that said road shall run about a south course from William G. Moore's dwelling house through lands of said William G. Moore and Janey Wright to the public road leading from Bethel to Georgetown.

**SECTION 2.** That when the said William G. Moore and Janey Wright shall, at their own expense, have made such change and opened the road hereby authorized to the width of thirty feet and put the same in such order for travel as the Levy Court of Sussex county may deem sufficient, it shall be taken and maintained as other public roads in Sussex county, and it shall be lawful for them to vacate the road superseded by the road authorized by this act, and the parties owning the land on which the road hereby vacated runs to enclose the same.

*Passed at Dover, March 28, 1883.*





## OF ROADS AND BRIDGES.

Plot and  
return laid  
before the  
Levy Court.

May adopt  
said road.

or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county at the first meeting thereof after said plot and return shall have been received by him, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same laws and regulations as other public roads in said county.

Oath.

SECTION 3. *And be it further enacted*, That the said commissioners and surveyor, before performing the duties required of them respectively under this act, shall be sworn or affirmed to perform their duties under this act, according to the best of their skill and judgment respectively, which oath or affirmation may be administered by either of said commissioners or by any justice of the peace residing within Kent county. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case any one or more of said commissioners shall refuse or neglect to perform the duties required of them by this act, or in case

Vacancies.

any vacancy or vacancies shall occur among said commissioners before the duties herein required of them are performed, any judge of this State or any justice of the peace residing within Kent county, may appoint another or other commissioner or commissioners to act in the place of any one or more refusing or neglecting to act, or to fill any vacancy or vacancies that may occur among said commissioners. The

Fees.

fee of each commissioner shall be one dollar and the fee of the surveyor two dollars, for each day of actual service, with a proper compensation to the surveyor for his plot and drawing the return.

SECTION 4. *And be it further enacted*, That this act shall be deemed and taken to be a public act.

*Passed at Dover, March 28, 1883.*



## OF ROADS AND BRIDGES.

as to permanently secure a clear width of water passage of not less than thirty feet, and a permanent depth thereof not less than the depth at present found to exist at the location of the natural channel when the water in the said mill-pond is at a full head.

**To be sworn.** SECTION 3. That the commissioners and surveyor, before viewing the premises, shall be severally sworn or affirmed faithfully and impartially to perform the duties incumbent on them respectively. Either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor, and a majority may do and determine any matter. In case of a vacancy or vacancies in the commissioners named in the first section, the resident judge of the county may appoint a commissioner or commissioners to fill such vacancy or vacancies. The fees of the commissioners, surveyor and chain-carriers shall be the same as is provided by law for similar services in case of laying out public roads, and shall be paid for by the Levy Court of Kent county.

**Vacancies. How filled.**

**Fees.**

SECTION 4. That this act shall be deemed and taken to be a public act.

*Passed at Dover, March 29, 1883.*

## CHAPTER 134.

## OF ROADS AND BRIDGES.

AN ACT authorizing Theodore P. Sirman to vacate an old road and open a new one in Gumboro' Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

**May vacate certain road.**

**Location.**

SECTION 1. That Theodore P. Sirman be and he is hereby authorized to change a certain public road in Gumboro' hundred in Sussex county, as follows: commencing at a point on the public road leading from Terrapin Hill to Little Hill Protestant Episcopal church, where the westerly side or corner of said Theodore P. Sirman's land touches said road, and running from thence in an easterly direction a straight



## OF ROADS AND BRIDGES.

H. Murphy and lands of Moses Harrington in a westerly direction until it reaches the said public road leading from the said village of Farmington to said Bethel M. P. church, and [that] that part of said public road lying immediately beyond the western limits of said village of Farmington, which is semi-circular in shape and for which the new road designed and contemplated in this act is a substitute, be vacated. And if the said commissioners shall determine that the public convenience requires that the said new road should be laid out, and that part of said public road for which the said new road designed and contemplated by this act is a substitute vacated, then they shall, with the assistance of a skillful and impartial surveyor, by them to be employed (if they shall deem such assistance necessary), lay out the said new road in such manner as to them shall seem most advantageous to the public and the least detrimental to individuals, and vacate the said part of said public road for which the said new road designed and contemplated by this act is a substitute, and shall cause a draught thereof to be made, showing the new road as well as the said part of said public road for which the said new road designed and contemplated by this act is a substitute, with notes of the most remarkable places, and the lands and premises by, through and upon which the said new road passes, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public and private convenience or detriment; and shall assess the damages of every the owners or holders of said lands and premises on occasion of the laying out of the said new road and the vacating of said part of said public road for which the said new road designed and contemplated by this act is a substitute, and shall make a computation of the costs of opening and making said new road, setting down the several items of said costs.

Surveyor.

Plot.

Damages.

Computation of costs.

SECTION 2. That the said draught, together with the return of the said commissioners, shall be returned and filed in the office of the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said county, and if no sufficient objection is made thereto, then the said Levy Court of said county shall approve and confirm the said draught and return of the said commissioners, and shall settle and pay the damages which may be assessed by the said commissioners, and pay the legal charges of the commissioners, surveyor, &c., as other similar expenses are paid, and when the said draught and return shall have been so approved

Plot and return laid before the Levy Court.

Levy Court may adopt.



## OF ROADS AND BRIDGES.

## CHAPTER 136.

## OF ROADS AND BRIDGES.

AN ACT to amend Chapter 442, Volume 16 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sections 1  
and 2,  
Chapter 442,  
Volume 16,  
amended.

SECTION 1. That Chapter 442, Volume 16 of the Laws of Delaware, be and the same is hereby amended by striking out the name of "Charles Denney," where the said name occurs in Sections 1 and 2 of said chapter, and substituting in lieu thereof the name of "William S. Heverin."

*Passed at Dover, April 6, 1883.*

## CHAPTER 137.

## OF ROADS AND BRIDGES.

AN ACT to Change the Course of a Public Road in Mispillion Hundred in Kent County, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners.

Location.

SECTION 1. That Alex. Johnson, H. C. Wolcott and James A. Smith, three judicious and impartial citizens of Mispillion hundred, be and they are hereby appointed [commissioners] to go upon and view the premises and determine if there is need of a change in the course of the public road leading from Harrington, in Mispillion hundred, Kent county and State of Delaware, to Burrsville, in Caroline county and State of Maryland, beginning at a point where the public road leading from Robert Raughley's gate intersects said road leading from Harrington to Burrsville, and following the course of the "old road bed" (vacated by an act passed at Dover, March 13, 1879), or as nearly thereto as they may deem expedient, to a point where the said "old road bed" intersects the said road leading from the town of Harrington to the town of Burrsville; and also to view the premises and





## OF ROADS AND BRIDGES.

## CHAPTER 138.

## OF ROADS AND BRIDGES.

**AN ACT to Change and Straighten a Public Road in Sussex County.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Commis- sioners.	SECTION 1. That E. M. Lowe, Jacob H. Adams and J. W. Anderson, be and they are hereby appointed commissioners to go upon and view the premises and lands, and determine whether it is necessary for public convenience to
Location	straighten and change the public road leading from the town of Laurel to the Big Mills, in Little Creek hundred, Sussex county, as follows: beginning at a point in the said road opposite the lot of Ann' Corner and running thence in a straight line along the said road to a point in the said road between the land of James Cannon and the land of A. J. Horsey. If the said commissioners shall so determine that the said road shall be straightened and changed as aforesaid,
Surveyor.	then they shall, with the assistance of a skillful surveyor, locate and lay down the same, and assess all damages on account of the location thereof, and also the cost of making the said change. That the said commissioners shall make or cause to be made a plot of the said road so changed, and
Plot.	return the same to the Levy Court of Sussex county at its next session thereafter, which may be accepted by said Levy Court as the public road as aforesaid, and the said Levy Court shall make an allowance for the payment of all the costs attending the change of the said public road and the damages assessed therefor.
Return.	
Levy Court may adopt.	

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 11, 1883.*



## OF ROADS AND BRIDGES.

entering upon any of the duties required of them under this act, shall be severally sworn or affirmed, faithfully and impartially to perform the several duties required of them under this act according to the best of their skill and judgment respectively. The acts of a majority of the said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed commissioner or commissioners by any justice of the peace of Kent county. The said commissioners may qualify each other and the surveyor for the performance of their respective duties under this act, and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

Vacancy.

Fees.

SECTION 4. *And be it further enacted by the authority aforesaid,* That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 11, 1883.*

## CHAPTER 140.

## OF ROADS AND BRIDGES.

A SUPPLEMENT to the act entitled "An act to authorize the vacation of a part of a certain Public Road near the Village of Farmington in Mispillion Hundred, in Kent County, and to substitute a New Road to be laid out in lieu of the part of said Public Road so vacated," passed at Dover, Delaware, April 5th, 1883.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Com-  
mis-  
sioners to  
extend cer-  
tain road.

Location.

SECTION 1. That the commissioners appointed by the act to which this is a supplement be and they are hereby further authorized, empowered and directed to extend the public road known as the Hammondtown road in a southerly direction through lands of Moses Harrington until it intersects the new public road authorized to be laid out by the said act to which this is a supplement; and that all the provisions of the said act to which this is a supplement in relation to the new



## OF ROADS AND BRIDGES.

by the Levy Court of Kent county the same shall be and remain subject to the same regulations as other public roads or highways in the aforesaid county.

Oath. SECTION 3. *And be it further enacted*, That the said commissioners and surveyor shall, before performing the duties here assigned them, be sworn or affirmed to perform the duties incumbent upon them, according to this act, faithfully and impartially to the best of their skill and judgment; Fees. and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

SECTION 4. *And be it further enacted by the authority aforesaid*, That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 19, 1883.*

## CHAPTER 142.

## OF ROADS AND BRIDGES.

**AN ACT to lay out a New Public Road in Mispillion Hundred, Kent County.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners. SECTION 1. That Josiah Marvell, Joseph Booth and Amos Cole, three judicious and impartial freeholders of Kent county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Mispillion hundred, to begin at a Location. point in the public road leading from the town of Harrington to the town of Frederica, at the corner of land of Samuel Powell and Thomas Hand, and then running a southerly direction with the line of lands of Samuel Powell, Thomas Hand and William H. Sapp to Brown's Branch, thence crossing said branch and continuing the same direction and running between or across lands of James C. Reed and J. G. Peckham to lands of Evan C. Reese, and thence between lands of said Reese and J. G. Peckham till it intersects the



## TITLE NINTH.

## Regulations Concerning Trade.

## CHAPTER 143.

## GENERAL PROVISIONS RESPECTING TRADE.

## AN ACT to amend Chapter LXIII of the Revised Statutes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 2 of  
Chapter 63,  
Revised  
Statutes  
amended.

No days of  
grace on  
checks pay-  
able at time  
differing  
from date.

SECTION 1. That Section 2 of Chapter 63 of the Revised Statutes be and the same is hereby amended by striking out the word "checks," in the fourth line thereof, and by adding to the said section the following, to wit: "but no days of grace shall be allowed on checks payable at a future or different time from that in which they are dated, or which are made payable on a particular day after date."

SECTION 2. That this amendment is to go into effect on the first day of May, A. D. eighteen hundred and eighty-three.

*Passed at Dover, March 22, 1883.*





## OF WEIGHTS AND MEASURES.

Additional fees. How adjusted. eight pounds or more, eight cents; for every weight less than twenty-eight pounds, two cents, and an additional charge or fee for labor or materials furnished for adjusting said beams, scales, weights and measures to be fixed by agreement between the regulator and the owner or user thereof; *provided, always*, that the said regulator shall only be entitled to one-half of the above fees for stamping such beams, scales, weights and measures as he shall find to be correct after testing the same.

Proviso.

How false weights, etc. are to be stamped. SECTION 3. The said Regulator of Weights and Measures for New Castle county is hereby required to stamp, or cause to be stamped, with the word "C'M'D," all false beams, scales, weights and measures, as he may find within the county that cannot be well adjusted, and shall be paid one-half of the fee for such test and stamping, as is provided for in this act in other cases, and all the provisions of this act relating to the inspection of beams, scales, weights and measures used for the purpose of buying and selling, shall also extend to all such beams, scales, weights and measures as are or may be used for ascertaining weights and measures for the purpose of charging for freight, tonnage, transportation, commission and all other charges, when such charges are regulated by weight or measure.

Fees.

Penalty for violation of the provisions of this act. SECTION 4. In case any user or owner of such beams, scales, weights and measures within the County of New Castle, in this State, shall refuse or neglect to comply with any of the requisitions which the said regulator is by this act authorized or directed to make; or shall knowingly sell or buy any false beams, scale, weight, or measure; or shall purposely alter any beam, scale, weight, or measure, so that the capacity is diminished or increased after the same shall have been adjusted and stamped; or shall, in buying or selling, knowingly use any beam, scale, weight, or measure, so altered, or shall purposely alter any beam, scale, weight, or measure so as to impair the adjustment thereof after the same shall have been adjusted and stamped; or shall knowingly have in his possession any beam, scale, weight, or measure so altered as aforesaid; or shall knowingly buy, sell, use, or barter by any beam, scale, weight, or measure, or other weighing or measuring apparatus that has not been duly adjusted and stamped as aforesaid; or shall knowingly make, use, or have in possession any false stamp or brand for stamping any beams, scales, weights, or measures, he or they

## OF PILOTAGE, NAVIGATION AND VESSELS.

shall be guilty of a misdemeanor and be liable to indictment, and upon conviction thereof shall be fined not less than five nor more than fifty dollars, and shall pay the costs of prosecution. And all fines recovered for any offense under this act shall be for the use of the county, and be paid by the officer receiving the same to the Treasurer of New Castle county. *Provided, however,* that no owner or user of beams, scales, weights and measures, as aforesaid, shall incur any of the liabilities and penalties prescribed by this act until after the regulator has called at his or their store, office, booth, stall, or place of business, *for the purpose* of testing or adjusting the same.

Misdemeanor.  
Fine.  
Pay costs of prosecution.

Provide.

SECTION 5. That all beams, scales, weights and measures tested, adjusted and stamped under the provisions of this act, which shall be used in the public markets and market houses of any city or incorporated town in said county, shall be liable to be tested and adjusted by the Regular of Weights and Measures of such city or town, but no fee shall be charged therefor; *provided, however,* that if, upon such testing and adjustment, such beams, scales, weights, or measures shall be found to be false, the person or persons in whose possession the same shall be found shall, in addition to the fees prescribed by Section 3 of this act, pay to the Regulator of Weights and Measures of such city or town the fees allowed to such regulator for like services under the ordinances and regulations of said city or town.

Weights, etc., in public market and market houses liable to be tested.

No fee allowed.  
Provide.

*Passed at Dover, April 5, 1883.*

## CHAPTER 145.

## OF PILOTAGE, NAVIGATION AND VESSELS.

AN ACT to amend Chapter 449, Volume 16 of the Laws of Delaware, entitled "An act regulating Pilots and Pilotage of and in the Bay and River Delaware."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 5 of Chapter 449, Volume 16 of the Laws of Delaware, entitled "An act regulating pilots and pilotage of and in the Bay and River Delaware," be and the

Sections 5 and 6, Chapter 449, Volume 16, amended.

## OF PILOTAGE, NAVIGATION AND VESSELS.

same hereby is amended by inserting in the said section after the words "by a libel in admiralty in any United States District Courts," in the sixteenth and seventeenth lines of said section, the words following, to wit: "either *in personam* or by proceeding *in rem*, to enforce the lien hereby given him on such ship or vessel."

Section 6  
amended.

Pilotage of  
inward  
bound  
vessels.

Penalty for  
refusal to  
accept pilot.

How  
recovered.

Remedy by  
libel in  
admiralty.

SECTION 2. That Section 6 of the said act be and the same hereby is amended by adding at the end of said section the words following, to wit: "Any pilot bringing in any inward-bound ship or vessel shall, by himself or one of his boat's company, be entitled to pilot said ship or vessel to sea when she next leaves the port; and if the master of such ship or vessel shall refuse or neglect to take such pilot, the master, owner, or consignee of such ship or vessel shall forfeit and pay to such pilot, sueing for the same, a sum equal to the pilotage of such ship or vessel, to be recovered by a suit in our State courts, or before a justice of the peace; or such pilot may pursue his remedy therefor by a libel in admiralty in any United States Court, either *in personam* or by proceeding *in rem*, to enforce the lien hereby given him on such ship or vessel."

When  
licenses  
granted.

SECTION 3. That hereafter no license of the first or second class shall be granted to any person or persons, except such person or persons as have heretofore held, or do now hold such license under the laws of this State, or shall have served a regular apprenticeship of at least six years to a licensed pilot of this State, on board of a Delaware bay and river pilot boat, and all parts of said act entitled "An act regulating pilots and pilotage of and in the Bay and River Delaware," inconsistent herewith, are hereby repealed.

SECTION 4. That this act shall be deemed and taken to be a public act.

*Passed at Dover, February 15, 1883.*



## TITLE TENTH.

### Of Corporations.

---

#### CHAPTER 147.

##### GENERAL PROVISIONS CONCERNING CORPORATIONS.

##### AN ACT concerning Private Corporations.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

Corporate  
powers  
enumerated  
as follows.

SECTION I. That every corporation, as such, shall be deemed to have power:

I. To have succession, by its corporate name, for the period limited in its charter or certificate of incorporation, not exceeding twenty years, and when no period is limited, for twenty years, except corporations created by Act of Assembly for public improvement;

II. To sue and be sued, complain and defend in any court of law or equity;

III. To make and use a common seal, and alter the same at pleasure;

IV. To hold, purchase and convey such real and personal estate as the purposes of the corporation shall require, not exceeding the amount limited in its charter, and all other real estate which shall have been bona fide mortgaged to the said company by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments or decree which shall be obtained for such debts; and to mortgage any such real or personal estate with their franchises; the power to hold real and personal estate shall include the power to take the same by devise or bequest, excepting when the same



## GENERAL PROVISIONS CONCERNING CORPORATIONS.

Additional  
powers to  
corporations  
organized to  
reclaim low  
lands.

Commis-  
sioners'  
duties.

Return.

Survey.

Valuation.

Damages.  
How paid.

Return con-  
clusive.

Commis-  
sioners  
sworn.

SECTION 5. Any company created under this act for the drainage of low lands shall, in addition to the other powers conferred by this act, have power, for the purpose of the reclamation of low lands by ditching, draining and bringing them into cultivation, to enter upon any lands that, in the opinion of the directors or managers, will be benefited by the operations to be performed by the company, and with their workmen, laborers, teams, &c., to cut and make, and when made, from time to time, to clear out and scour all such ditches or drains as in the opinion of such directors or managers shall be necessary for effectually draining and reclaiming the said lands. Before taking any steps, however, to accomplish the ends of its incorporation, the said company shall apply to the Superior Court for the appointment of commissioners to go upon the lands through, along or across which the ditches of the said company are proposed to be cut, and view the same and determine whether any or which of them will be benefited by the same, and to make a return of their proceedings in the premises to the Recorder, with a survey of the proposed ditches, showing their course, and the lands, by general designation, through, along or across which they will run and to be benefited thereby, and the probable cost of making the improvements. They shall also return a valuation of the several parcels of land to be benefited by such improvements. Should there be upon the lines of the company's works any lands through, along or across which the ditches are to be made that will be injured by the making of them, they shall estimate such damage in money, and the same shall be paid to the owner, or, in case of his refusal to receive it, or absence from the State, or inability by reason of legal disability, it shall be deposited to his credit in the Farmers' Bank, or that branch thereof at the county seat, before the company shall have any right to construct or make their works through such land. The return of the commissioners shall be final and conclusive upon all parties, and shall be the basis upon which the taxes of the company are to be laid. It shall continue until a majority of the taxables demand a new one, proceedings for which shall be taken in the said court by petition, and the prayer of the petition granted if in the opinion of the court such new valuation is proper to be made at the time. Before any commissioners appointed under this section proceed to act they shall be sworn or affirmed, before a justice of the peace, to perform the duties of their appointment with fidelity, which qualification must be certified upon their return. When record is made of the return, the original





## GENERAL PROVISIONS CONCERNING CORPORATIONS.

private ditch or ditches, to all the burdens and responsibilities of other members or owners; and the managers shall, at once, add their lands to the other lands within the company's operations, and apportion their share of the taxes among them as above provided with respect to original owners. The managers shall take account of all changes of ownership of lands within the company's limits from whatever cause, and substitute the names of the new owners in lieu of the old ones upon their original apportionment, from which they shall be transferred to the copy in the hands of the treasurer, and when transferred the new owners shall stand in the place of the old, in all respects as if they had been original owners. Such companies as are provided for in this section shall set forth the name of the hundred or hundreds in which their operations are to extend in the certificate of their incorporation.

Duties of managers respecting changes of ownership.

Certificate of incorporation.

**SECTION 6.** Any building or building and loan association created under this act shall, in addition to the other powers herein granted, have power to sell its accumulated funds to and among its stockholders at any premium which may be obtained for the same, and when such funds cannot be loaned to any stockholder at par they may be loaned to any person not a stockholder at any rate of interest not exceeding six per cent.

May sell accumulated funds at a premium.

**SECTION 7.** It shall not be lawful for the directors of any bank or moneyed or manufacturing corporation in this State, or any corporation created under this act, to make dividends, except from the surplus or net profits arising from the business of the corporation, nor to divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of the said corporation, or to reduce the said capital stock, except according to this act, without the consent of the Legislature; and, in case of any violation of the provisions of this section, the directors, under whose administration the same may happen, shall, in their individual capacities, jointly and severally, be liable at any time within the period of six years after paying any such dividends to the said corporation, and to the creditors thereof in the event of its dissolution or insolvency, to the full amount of the dividend made or capital stock so divided, withdrawn, paid out or reduced, with legal interest on the same from the time such liability accrued; *provided*, that any of the said directors who may have been absent when the same was done, or who may

Certain powers withheld.

Violation. Penalty.

Proviso.



## GENERAL PROVISIONS CONCERNING CORPORATIONS.

Contents as follows.

I. The corporate name;

II. The object of the incorporation and the location of the principal place of business, if it be for business purposes;

III. The amount of capital stock, the number and par value of shares, and the amount to be paid in before commencing business, which shall not be less than ten per cent. of the whole capital. This shall not apply to religious, charitable and literary corporations, unless it be desired to have a capital stock. In case of such corporations the election not to have a capital stock shall be stated in lieu of the amount thereof, and the conditions of membership shall also be stated;

IV. The name and residence of the original subscribers to the capital stock, or, if there be no stock, of the original corporators;

V. The periods at which the corporation shall commence and terminate, not exceeding twenty years;

VI. The value of real and personal estate of which the corporation may become seized and possessed.

The certificate may also contain any limitation upon the powers of the corporation, the directors, and the stockholders, which may be desired by the parties signing the same; *provided* such limitation does not attempt to exempt the corporation, the directors, or the stockholders from the performance of any duty imposed by this act or any law of this State.

Certificate signed and acknowledged.

The certificate shall be signed by the original corporators, or a majority of them, and shall be acknowledged, before any officer authorized by the laws of this State to take acknowledgments of deeds, to be the act and deed of the signers, respectively, and that the facts therein stated are truly set forth.

Amended certificates.

Amendments and alterations of the original certificate may be made by a supplemental certificate, presented, approved, filed and recorded in the same manner in every respect as is provided in reference to the original certificate.

To whom presented.

Notice of intention to apply.

SECTION 12. The said certificate shall be presented to the associate judge of the county in which the principal place of business of the proposed corporation is located. Notice of the intention to apply for incorporation shall be published daily (if there be a daily paper published in the county) in two newspapers of the county for at least ten days imme-



## GENERAL PROVISIONS CONCERNING CORPORATIONS.

**SECTION 16.** Any company organized as aforesaid may carry on a part of its business out of this State, and have one or more offices or places of business out of this State, and may hold, purchase and convey real and personal estate out of this State as if the same were within this State; *provided*, that the certificate of the organization of such company shall state as near as conveniently can be, at the time of making said certificate, what portion of its business is to be carried on out of this State, and in what place or places it is to be so carried on; and shall also state the name of the town or city and county in which the principal part of the business of said company within this State is to be transacted, and such town, place and county within this State shall be deemed the principal place of business of said corporation within this State within the provisions of this act.

**SECTION 17.** The business of every corporation created under this act shall be managed and conducted by the directors thereof, who shall, respectively, be shareholders therein, and such other officers, agents and factors as the company shall think proper to authorize for that purpose; and every such company shall have a secretary and treasurer, who may or may not be the same person.

The directors shall not be less than three in number, and they shall be chosen annually by the stockholders, at such time and place as shall be provided by the by-laws, and shall hold their offices for one year, and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or stockholders, as shall be directed by the by-laws.

The secretary and treasurer shall also be chosen annually, either by the directors or the stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the secretary shall record all proceedings of the corporation and directors, in a book to be kept for that purpose, and perform such other duties as shall be assigned to him.

The directors shall have power to choose such other officers and agents as may be deemed necessary, and may secure the fidelity of any or all of the officers of the corporation by bond or otherwise; and they may also provide by the by-laws for the qualification of any or all of the officers before any person authorized by law to administer an oath.



## GENERAL PROVISIONS CONCERNING CORPORATIONS.

lutely, the same shall be so expressed in the entry of said transfer.

Additional  
certificate.  
When.

In case more capital stock is necessary, an additional certificate may be filed under the hands and seals of two-thirds in interest of the stockholders, or their legal representatives, stating the amount of such additional capital required, which shall be acknowledged, and if approved by the judge shall be filed and recorded in a manner heretofore provided for in this act with respect to the original certificate; *provided* that for all stock issued under such supplemental certificates, such company, its directors and stockholders, shall be entitled to all the benefits and subject to all the liabilities contained in this act.

Assessments

SECTION 19. The directors of every corporation created under this act may, from time to time, assess upon each share of stock such sum of money as two-thirds of the stockholders in interest shall direct, not exceeding in the whole the amount at which each share shall be originally limited under the third article of the eleventh section of this act; and such sums so assessed shall be paid to the treasurer at such times and by such installments as the directors shall direct, the said directors having given thirty days notice of the time and place of such payments in a newspaper of the county where such a company is established, and if there be none, then in a newspaper circulating in the county.

Payment.

How  
enforced.

Sale.

Proviso.  
Notice.

In default of the payment of such assessments, they may be collected by suit, or, after thirty days from the time appointed for the payment thereof, the treasurer of the company may sell at public auction such number of the shares of such delinquent owner or owners as will pay all assessments then due from him or them, with interest, and all necessary incidental charges; *provided*, two-thirds of the stockholders in interest shall so direct. Notice of the time and place of such sales and of the sum due on each share shall be given by advertisements for three weeks successively before the sale, in a newspaper of the county, or, if there be none, in a newspaper circulating in the county where such company is established; and further notice shall be mailed to such delinquent stockholder, if his post-office address is known. The shares so sold shall be transferred to the purchaser, who shall be entitled to a certificate therefor.

Certificate.  
Contents.

SECTION 20. The president and directors, with the secretary and treasurer of such company, after the payment of





## GENERAL PROVISIONS CONCERNING CORPORATIONS.

meeting may, on the day so appointed, by consent of a majority in interest of the stockholders present, be adjourned, from time to time, for not less than eight days at any one time, of which adjourned meeting notice, by advertisement, in such paper, shall be given; and if, at any such meeting, two-thirds in interest of all the stockholders shall consent that such dissolution shall take place and signify such their consent in writing, then, and in such case, such companies shall, upon filing such consent, duly attested by their secretary signing the same together with a list of the names and residences of the then existing directors and officers, which list shall be duly verified by the secretary or president of said board in the office of the Secretary of State, and receiving from him a certificate that such consent has been filed, be dissolved; and the board of directors of that company shall cause such certificate to be published four weeks successively, at least once a week, in one or more of the newspapers of the county, or, if there be none, in one or more newspapers circulating in the county in which such company has been located and conducting its business; at the expiration of such time the said board shall proceed to settle up and adjust the business and affairs of such company in the same manner as though the same had been dissolved by the expiration of the time mentioned in their charter or certificate of incorporation; *provided* that the Secretary of State shall not issue the certificate of dissolution hereinbefore mentioned until satisfied by due proof that the requirements aforesaid have been fully complied with by such corporation.

Adjourned  
meetings.  
Notice.

How con-  
sent to dis-  
solution  
obtained.

Certificate  
of Secretary  
of State.  
Duty of  
directors.

Proviso.

The provisions contained in this act may be amended or repealed at the pleasure of the Legislature, and every company created by this act shall be bound by such amendment; but such amendment or repeal shall not take away or impair any remedy against any such corporation or its officers for any liability which shall have been previously incurred.

Votes  
refused.

Duty of  
officers.

List of stock-  
holders.

Where kept.

SECTION 22. After the first election of directors no stock shall be voted on at any election which shall have been transferred on the books of the company within twenty days next preceding such election; and it shall be the duty of the officer who shall have charge of the transfer books to prepare and make, at least ten days before every election, a complete list of the stockholders entitled to vote, arranged in alphabetical order. Such list shall be open to the examination of any stockholder, and shall be produced and kept at the time and



## GENERAL PROVISIONS CONCERNING CORPORATIONS.

the same, reasonable notice having been given to the adverse party or to those who are to be affected thereby as [to] such intended application, to proceed forthwith, and in a summary manner, to hear the affidavits, proofs and allegations of the parties, or otherwise inquire into the matter or causes of complaint, and thereupon to establish the election so complained of, or to order a new election, or make such order, and give such relief in the premises as right and justice may appear to the said Superior Court to require; *provided* that the said Superior Court may, if the case shall appear to require it, either order an issue or issues to be made up in such manner and form as the said court may direct, in order to try the respective rights of the parties who may claim the same to the office or offices, or franchise, in question, or may give leave to exhibit, or direct the Attorney General to exhibit, one or more information or informations in the nature of a *quo warranto* in the premises.

Proviso.

In case of failure to elect directors at a certain time, new election may be held.

Who entitled to vote.

Election, when ordered by Court.

Contempt.

When by-laws regulating elections valid.

SECTION 25. If at any time hereafter the election for directors of any bank or other incorporated company of this State shall not be duly held on the day designated and appointed by the act incorporating such bank or other incorporated company, or the certificate of incorporation, or by the by-laws of any such corporation, it shall be the duty of the president and directors of such bank, or other incorporated company, to notify and cause an election for directors to be held thereafter as soon as conveniently may be; and in all cases no share or shares shall be voted upon except by such person or persons as may have appeared on the stock ledger or transfer book of said company to have had the right to vote thereon on the day when, by the act of incorporation of such company, or by said by-laws, the said election ought to have been held.

The Associate Judge of the Superior Court resident in the county where the proper place of business of any corporation is located, may summarily order such election to be held upon the application of any stockholder, and may punish the directors as for a contempt of court for any neglect or failure to obey the order of such judge in reference to such election.

SECTION 26. No by-laws of the directors or managers of any incorporated company, regulating the election of directors or officers of such company, shall be valid unless the same shall have been made thirty days previous to any election of



## GENERAL PROVISIONS CONCERNING CORPORATIONS.

so called shall be a legal meeting of the company; and if there be no officers of the company present whose duty it is to preside at meetings, the stockholders present may elect officers for the meeting; and it shall be the duty of the secretary of the company to record the proceedings of such meeting in the book of minutes of the company.

Duty of  
secretary.

What con-  
stitutes pay-  
ment of  
stock.

Liability of  
of officer.

SECTION 29. Nothing but money shall be considered as payment of any part of the capital stock of any company organized under this act, except as hereinafter provided for the purchase of property; and no loan of money shall be made to a stockholder or officer therein; and if any such loan shall be made to a stockholder or officer of the company, the officers who shall make it, or who shall assent thereto, shall be jointly and severally liable, to the extent of such loan and interest, for all the debts of the company contracted before the repayment of the sum so loaned.

What direc-  
tors may  
purchase.

SECTION 30. The directors of any company incorporated under this act may purchase mines, manufactories, or other property necessary for their business, and issue stock to amount of the value thereof in payment therefor; and the stock so issued shall be declared and taken to be full paid stock, and not liable to any further call, neither shall the holder thereof be liable for any further payments under any of the provisions of this act.

Officers  
liable for  
issuing false  
certificates  
or notices.

SECTION 31. If any certificate made, or any public notice given by the officers of any company in pursuance of the provisions of this act shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts of the company contracted while they were stockholders or officers thereof.

In case of  
dissolution.

Trustees'  
powers.

SECTION 32. Upon the dissolution in any manner of any corporation already created, or which may hereafter be created by or under any law of this State, the president and directors, or the managers of the affairs of the said corporation at the time of its dissolution, by whatever name they may be known in law, shall be trustees of such corporation, with full power to settle the affairs, collect the outstanding debts, and divide the moneys and other property among the stockholders, after paying the debts due and owing by such corporation at the time of its dissolution, as far as such moneys and property shall enable them.









## GENERAL PROVISIONS CONCERNING CORPORATIONS

Secretary of  
State to col-  
lect State  
tax.

SECTION 46. That the Secretary of State is hereby authorized and directed to demand, for the use of the State, on certifying any charter of incorporation or renewal thereof, authorized by this act, the sum of twenty dollars when the capital stock of such corporation shall exceed fifty thousand dollars, and ten dollars when the capital stock shall not exceed fifty thousand dollars; *provided* that in the case of corporations for religious, charitable, or literary purposes, the said tax shall not be charged or collected. The fees of the Secretary of State and of the recorder shall be as heretofore.

Exemption.

Acts of cer-  
tain religious  
incorpora-  
tions legal.

SECTION 47. All religious incorporations now or heretofore existing under and by virtue of Chapter thirty-nine of the Revised Statutes of this State, or any supplement or supplements thereto, or under and by virtue of Chapter 419 of Vol. 13 of Laws of Delaware, be and the same are hereby validated and made legal incorporations, and all acts done in pursuance of said acts are hereby made valid. And all religious incorporations hereafter to be created may be created by and shall be subject in every respect to the provisions of said Chapter thirty-nine of the Revised Statutes and any supplement or supplements thereto; and for this purpose the said chapter and any and all supplements thereto are hereby revived and re-enacted with the same force and effect as though the same were set out in full in this act. Any religious incorporations created under this act shall be subject to the provisions of Section 10 of said Chapter 39 of the Revised Code.

Future re-  
ligious incor-  
porations  
subject to  
certain pro-  
visions.

SECTION 48. That Chapter 119 of Volume 15, Laws of Delaware be and the same is hereby repealed, provided that such repeal shall in no way affect any company incorporated under the provisions of said Chapter 119.

SECTION 49. This act shall be a public act, and shall be published as such.

*Passed at Dover, March 14, 1883.*



## OF INSURANCE COMPANIES.

Compensation. By whom paid.

SECTION 4. That the compensation of every such special constable shall be wholly paid by the corporation or corporations upon whose petition he was appointed, and neither the State nor any county thereof shall be responsible for any part of such compensation.

SECTION 5. That this act shall be deemed and taken to be a public act, and published as such.

*Passed at Dover, February 27, 1883.*

## CHAPTER 149.

## OF INSURANCE COMPANIES.

AN ACT to re-enact the Act of Incorporation of "The Kent County Mutual Insurance Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

SECTION 1. That the act entitled "An act to incorporate the Kent County Mutual Insurance Company," passed at Dover, January 15th, 1849, and the act entitled "An act to amend the charter of 'The Kent County Mutual Insurance Company' and to extend the same for the period of twenty years," passed at Dover, February 17th, 1865, and the act entitled "An act to amend the charter of the Kent County Mutual Insurance Company," passed at Dover, March 12th, 1873, as the same are now in force and operation, be and the same are hereby re-enacted, extended and continued in force, as hereby altered and amended, for the period of twenty years from and after the passage of this act, and the said corporation thereby created, by the name of "The Kent County Mutual Insurance Company," shall have existence for the said period with the powers and capacities conferred by the said several acts as now in force and as hereby amended.

SECTION 2. That the third section of the act entitled "An act to amend the charter of 'The Kent County Mutual Insurance Company' and to extend the same for the period of twenty years," passed February 17, 1865, be and the same is

Section 3 of Chapter 517, Volume 12, amended.



## OF INSURANCE COMPANIES.

## CHAPTER 150.

## OF INSURANCE COMPANIES.

A Further Supplement to the act entitled "An act to incorporate 'The Delaware Fire Insurance Company,'" passed at Dover, January 21, 1826.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

Section 3 of  
Chapter 321,  
Volume 6,  
amended.

SECTION 1. That Section 3 of said original act be amended by striking out of line 3 of said section, as printed in Volume 6, Laws of the State of Delaware, the word "nine," and inserting in lieu thereof the words "not less than nine and not more than thirteen."

Capital  
stock  
increased.

How divided  
Rights of  
holders of  
stock.

SECTION 2. *And be it further enacted,* That the capital stock of said corporation may be increased to a sum not exceeding five hundred thousand dollars (\$500,000), as the stockholders shall, from time to time, determine, the same to be divided into shares of fifty dollars each. Each holder of shares of such increased capital stock shall be entitled to and enjoy the same rights and privileges under the same conditions as any and every other stockholder of said corporation. Such shares of increased capital stock shall be subject to the same restrictions, limitations and forfeitures as the shares of stock hereinbefore issued by said corporation.

*Passed at Dover, March 6, 1883.*



## OF INSURANCE COMPANIES.

successors and assigns, shall be and are hereby constituted and made a body politic and corporate by the name of the  
 Name. Wilmington Trust Safe Deposit and Insurance Company, and  
 Powers. by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatever in this State and elsewhere in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever.

Purpose of act. SECTION 2. That the object and purpose of this act is to organize an incorporated company, and to authorize and empower it as such, and said company is hereby authorized and empowered to receive and hold for its own use, benefit and behoof, and also on deposit and in trust and as security, Powers of the company moneys or other property and estate, real, personal and mixed, of whatsoever kind and nature, and the same to invest and reinvest, purchase, collect, adjust, settle, assign, sell and dispose of in any manner without proceeding in law or equity and upon such terms as may be agreed upon between the company and the parties contracting with it, to accumulate the interest or income thereof at such rates and in such manner as may be agreed on, or to allow and pay such interest or income therefor and thereon as may be stipulated and agreed on between the parties, not exceeding the legal rate of interest; also to receive upon deposit for safe keeping, What may be received on deposit. upon such terms as may be prescribed in the by-laws, or as shall be agreed on, money, jewelry, plate, deeds, bonds, and any and all personal property of every sort and kind, including certificates of stock, securities and other evidences of the same, or of title thereto, as well from executors, administrators, guardians, public officers, receivers, assignees, trustees, and all other fiduciaries, who are hereby expressly authorized to make such deposits or bailments, as from all other persons and corporations; and said company is hereby authorized to provide and make bargains and arrangements for the rent, or Further powers conferred. hire, or use of safes, vaults, and other receptacles for such property; also to accept and execute trusts of any and every description, to become assignees in bankruptcy, to collect the income, make investments, and to assume the agency or management of any property which may be committed or transferred to it with its consent, by any person or persons whatever, or by any corporation or public officer, or by any court of record, whether of this or any other State, or of the United States; to accept and execute the office and appoint-





## OF INSURANCE COMPANIES.

therefor; but in such case the officers and affairs of the said company shall be subject to examination, and its property and effects liable as aforesaid. And it shall be lawful for said company to stipulate and provide for indemnity and compensation from the person or persons for whom it shall become responsible, and to enforce any contract, pledge, or other security made or given for that purpose, as may be equitable and just.

May provide  
for indem-  
nity.

May acquire  
real and per-  
sonal prop-  
erty, and in-  
vest or dis-  
pose of the  
same.

Common  
seal.  
By-laws.

Powers and  
rights.

SECTION 3. That the said corporation is authorized to purchase, take, lease, hold, and enjoy all such estates, real, personal and mixed, as may be obtained by the investment of its capital stock and all other moneys and funds that may come into its possession in the course of its dealing and business, and the same to invest, sell, grant, convey, loan, mortgage, and otherwise dispose of at its pleasure; to have and to use a common seal, and the same to alter and renew, to make and ordain such by-laws, not inconsistent with the constitution or laws of the United States, or of this State, as may be proper and necessary for the management and regulation of the company and its business, which, when made and adopted, shall have the same force and effect as if herein specifically set forth, and the same to alter and amend at pleasure, and generally shall and may have and exercise all the powers, rights, privileges and franchises incident to a corporation and necessary to accomplish the purposes for which said corporation is hereby created.

Paid up cap-  
ital stock  
ample se-  
curity.  
When.

Liability.

Deposit of  
moneys, etc.

Affairs may  
be examined  
under order  
of court.  
Report.

SECTION 4. That whenever the said company shall be appointed trustee, or depository, receiver, assignee, guardian, executor, or administrator, it shall not be required to give any security, but the capital stock of said company, as paid in, and not being less than fifty per centum thereof, shall be taken and considered as the only security required by law for the faithful performance of its duties aforesaid, and shall, together with its property and effects, be absolutely liable in any case of default whatever. Any court having jurisdiction of the matter, or which shall appoint the said company a receiver, assignee, guardian, executor, administrator, or other trustee, or shall order the deposit of moneys or valuables of any kind with said company, if it deem it necessary, may, from time to time, appoint a suitable person to investigate the affairs and management of said company, who shall report to said court the manner in which its investments are made, and the security afforded to those by or for whom its engage-



## OF INSURANCE COMPANIES.

shall have been subscribed and ten per centum thereon shall have been paid in (active business shall not be commenced, however, until at least fifty thousand dollars shall have been paid in on the capital stock), the shareholders may elect a board of directors, not less than seven in number, nor more than thirteen, as may be prescribed by the by-laws, to serve until the ensuing annual election, or until their successors shall be duly elected and qualified. One of the directors shall be chosen president, either by the directors or stockholders, as shall be prescribed by the by-laws. The directors so elected of said company, when it shall have been organized, and their successors and assigns, may and they are hereby authorized and empowered to have and to exercise in the name and in behalf of the company all the rights and privileges incident to a corporation and which are hereby given, subject to such liabilities as other shareholders are subject to, which liabilities are no more than for the payment to the company of the sums due, or which may become due on the shares held by them; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a pro rata share of the increase upon payment of par value for the same.

Election.  
Board of  
directors.  
Number.  
Term.

President.  
How chosen

Duties and  
powers of  
directors.

Liabilities.

Stock  
increased.  
Stockhold-  
ers' share.

Principal  
office.  
Branch  
offices.  
Election of  
directors.  
When.

Eligibility.

Compensa-  
tion of  
officers.

Notice of  
election.

Judge and  
inspectors.

SECTION 9. The principal office of said company shall be in the City of Wilmington, but branch offices and agencies may be established elsewhere. The directors shall be elected annually by the stockholders on the second Tuesday of January, unless otherwise ordered by the by-laws. All elections shall be by ballot, and at such elections, and at all meetings of stockholders, every stockholder shall be entitled to one vote for every share of stock held by him, subject to such restrictions as may be provided for by the by-laws; but no person shall be eligible as director who is not a stockholder to the amount of ten shares, and all the directors shall be citizens of the United States and of the State of Delaware, and shall reside therein. The directors may select from their own number such of the officers of the company as they deem necessary and expedient, and may provide for their proper compensation or salary.

SECTION 10. Ten days notice shall be given, by publication in two newspapers published in the City of Wilmington, of the time and place of the annual elections, which elections shall be conducted by three stockholders, one of whom shall act as judge and the others as inspectors.



## OF DITCHES.

## CHAPTER 154.

## OF DITCHES.

An Additional Supplement to an act entitled "An act to enable the owners and possessors of the Marsh Meadows, on the north side of the Christiana River, called Middleburgh Marsh, to keep the Banks, Dams and Sluices in repair and raise a Fund to defray the expenses thereof," passed in the year 1769.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of both branches concurring therein),* That from and after the recording of this act (as hereinafter provided for,) at all stated or special meetings of the owners of the Marsh Meadows mentioned in the title hereof, upon all questions that may come before such meetings requiring to be decided by ballot, and in all elections for officers, the vote shall be as follows, to wit: The owner of not less than one and under three acres shall be entitled to one vote; for every two acres above one and under ten the owner shall be entitled to one additional vote; for every three acres above ten and under twenty an additional vote, and for every five acres above twenty one additional vote. Any owner may vote by proxy in the same ratio; *provided* the appointment of such proxy be made under the hand of the owner, attested by two competent witnesses.

Additional supplement to act passed in the year 1769.

Voters.

Proxy. Proviso.

**SECTION 2.** *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the managers for the time being, who shall have been chosen by virtue of the act and supplement to which this act is an additional supplement, to procure a certified copy of this act to be recorded in the office for recording of deeds at Wilmington, in and for the county of New Castle, and such recording thereof shall be deemed and taken to be and shall be evidence of the acceptance of this act by the owners of said Marsh Meadows.

Managers may procure certified copy.

Recorded where.

Evidence.

**SECTION 3.** *And be it further enacted by the authority aforesaid,* That so much of the act and supplement to which this is an additional supplement, as is hereby altered or supplied, shall be and the same is hereby repealed; this repeal to take effect from and after the recording of the said act as aforesaid.

What repealed.



## OF DITCHES.

Annual  
meeting in  
May to elect  
managers  
and treas-  
urer.

Every dollar  
of tax paid  
entitles tax-  
able to one  
vote.  
Notice.

ally thereafter, at two o'clock, P. M., and elect from among the taxables aforesaid two managers and one treasurer to serve for one year and until their successors shall be duly chosen and be qualified; that at such election each voter shall be entitled to one vote for each and every dollar of tax paid by him, her, or them, for the last assessment made before the election at which such persons shall offer to vote. Notice of the time and place of meeting shall be posted for ten days in five of the most public places in the neighborhood of said canal, signed by the managers and treasurer, or one or more of them, or in the case of the death or disqualification, or the refusal or neglect of the said managers and treasurer to advertise the said annual meeting, then any two of said taxables are authorized to advertise the same, as directed herein.

Commis-  
sioners  
chosen.

May open  
old branches  
Valuation of  
lands  
drained.

Appraise-  
ment.

SECTION 3. *And be it further enacted,* That the said taxables or corporators shall, at their first meeting to be held as aforesaid, choose, by ballot and a plurality of votes, three substantial and disinterested freeholders of Sussex county aforesaid, having no interest in any of the lands drained or benefited by said canal, as commissioners to go on the aforesaid canal, and if their judgment shall deem it prudent and necessary for the drainage of any of the low lands of the taxables or corporators, they shall widen, deepen and otherwise enlarge any old branch or branches of said canal, and to make a valuation of the lands drained or benefited by said canal; and the said commissioners are hereby further authorized and required to go upon and view all the lands which, in their opinion, or in the opinion of a majority of them, are drained or benefited by said canal, and to ascertain all of the said owners of the said lands drained or benefited by the said canal, and the quantity of such lands held by each owner, or by the joint or common owners, if any be held undivided, and to appraise all the said lands which, in their opinion, or in the opinion of a majority of them, are drained or benefited by the said canal, and shall determine the value of the said lands according to the situation thereof, and upon such principles as will do equal justice to all the owners thereof, which said appraisement shall be the basis of assessment for all the taxes levied under this act for the period of ten years next ensuing the date of making said appraisements; and if, at the expiration of said period of ten years, the said taxables or corporators shall, by ballot and by plurality of votes, at a stated annual meeting of said taxables or





## OF DITCHES.

Compensation. the business of said company under this act, be entitled to receive of said company the sum of one dollar and fifty cents.

May levy taxes. SECTION 5. *And be it further enacted*, That for the purpose of raising the necessary sums of money for answering the purposes by this act intended, it shall and may be lawful for the managers for the time being, and they are hereby authorized and required (after the appraisement and valuation aforesaid shall be made and returned as aforesaid, and the estimate of probable expense shall be made and returned and certified to them as aforesaid,) to levy and assess the amount of money resolved to be raised for cleansing, opening and cutting the said Agricultural Canal, at the annual meeting, on the basis of the assessment last made and returned by the commissioners; and the same shall be levied by the said managers within the said month of May of each and every year after the election of said managers; that the said managers shall give ten days notice to the several taxables (or those in possession of the said low grounds where the owners do not reside in the county,) of the time when they will proceed with the work of cleansing, opening or cutting said canal; that said taxables and owners shall then have the right to contribute in work, under the direction of the managers, to the amount of tax levied on them; that if the said taxables, after being thus notified, shall neglect or refuse to perform the work or labor, then it shall be the duty of the treasurer, upon notice given him by the said managers, or either of them, to proceed, within twenty days thereafter, to collect the said taxes, and for that purpose he shall have the same powers and authority to collect as are given to a collector of a hundred for the collection of county taxes; and the said managers may employ other persons to do and perform such work, for which they shall give orders drawn by them on the treasurer; and that said managers and treasurer shall settle their accounts annually with the said taxables at their annual meeting, and may receive such compensation as the taxables in the preceding annual meeting may have allowed and fixed to be paid therefor.

When.

Notice.

Taxes paid by labor.

Power to collect taxes.

Settlement of accounts. Compensation to officers.

Damages for obstruction. SECTION 6. *And be it further enacted*, That if any person or persons shall obstruct or hinder the passage of the water through said Agricultural Canal, such person or persons shall become liable in damages to any taxable or owner damaged thereby, and to the said managers, for the use of the said company, the amount paid, or contracted to be paid, for the



## OF DITCHES.

Time and manner of choosing treasurer, secretary, four managers and two auditors. Powers.

Adjournment of annual meeting

Occasional meetings. When and where held.

Notices.

Filling of places and vacancies.

Evidence of appointment

other place as the company shall determine by a resolution to be adopted at any annual meeting of said company. The meeting shall be opened as near one o'clock in the afternoon of the day as practicable, and shall continue open at least two hours. At said annual meeting said company shall choose, by ballot and by a plurality of votes cast, one treasurer, one secretary, four managers, and two auditors, who shall hold their offices until the next annual meeting, or until their successors are duly chosen and qualified, and may do all such matters and things as the said company may deem requisite for effectually draining and reclaiming the said marsh or low ground; and such and every annual meeting of said company may be adjourned from time to time by a vote of those present, or by any member if, by any cause, there should not be more than one member present. The secretary shall give notice of all annual meetings by advertisements, posted in at least five of the most public places within the territorial limits of the company at least ten days before the day of meeting. Occasional or special meetings may be called at any time by the secretary upon the written request of the managers, or a majority of them, to said secretary, upon ten days public notice by advertisements put up in five of the most public places within the territorial limits of said company and such other places as the managers for the time being, or a majority of them, shall deem advisable. If the secretary, treasurer, managers, or auditors, shall not, any or all of them, have been elected at the annual meeting, they may be elected at any adjourned, occasional, or special meeting, and until their successors are duly chosen and qualified. If any person elected treasurer, secretary, manager, or auditor, at any meeting, shall, after the adjournment of the meeting at which he was elected, die, resign, or refuse to act, or shall fail or neglect to give bond, as hereinafter provided, the managers, by writing, signed by them, or a majority of them, shall appoint another person in his place, to serve until the next annual meeting of the company and until his successor shall be duly chosen and qualified; and such writing, appointing such officer, shall be delivered to the secretary of said company, to be recorded by him in the books of the company, and such record, as well as the original, shall be competent evidence of such appointment. If, in determining any matter, the managers shall by reason of vacancy or vacancies in the offices of such managers, or as is provided by this section shall be four or two in number, and they shall be equally divided, the secretary shall determine the matter,



change any appraisement or valuation, and may deduct from the



## OF DITCHES.

in the same manner as collectors of county taxes. The personal property of the tenants living on or occupying, or having in charge any lands ratable and assessed in said company, shall be liable for the taxes assessed and levied upon the lands of which he or she is tenant or occupant, and all costs incurred in collecting the same, and such tenant or occupant may deduct the sum or amount so paid by him or her, or collected out of his or her property by process of law, from any rent, whether the rent be of money or share of the grain or other crops out of which the tenant or occupant pays rent, and any such payment or collection shall be in full discharge of the rent to the extent of the payment or amount collected. The treasurer shall not be required to look to any person living without the territorial limits of said company for the payment of any tax authorized to be collected under this act, but may, if he deems advisable so to do, collect from any owner of lands ratable and assessed in said company residing in Kent county. All taxes authorized to be levied and collected under this act shall be a lien upon the real estate of which the marsh or low grounds upon which the assessment is made and taxes levied form a part for five years from the day of the annual meeting which authorized and determined the raising, levying and collecting of said tax, and shall be in addition to the power to sell personal property of the owners, tenants or occupants hereinbefore provided for. The treasurer shall have the same power to sell the real estate as is now given to collectors of county taxes. All taxes which shall remain unpaid after the expiration of one year from the annual meeting at which the tax was authorized to be levied, the treasurer shall [add] at the rate of six per cent. per annum thereon until the same are paid, and shall account for said additional per cent. so collected the same as other taxes collected. The treasurer shall make a detailed statement from whom such per cent. has been received, and the amount of the same, and shall present such statement, with his accounts and vouchers, to the auditor, as hereinafter provided.

**Personal property of tenant liable to taxation. When.**

**Allowance to tenant.**

**Lien. Limitation.**

**Treasurer. Powers.**

**When treasurer may add six per cent.**

**Detailed statement. Contents. Presented to the auditor.**

**Duties of secretary.**

**Custodian of records.**

**SECTION 7.** The secretary shall keep correct proceedings of all meetings held by the company, which shall be signed by the chairman and attested by the secretary, and by the secretary recorded in the books of the company. He shall record all papers which by this act are required to be recorded in the books of the company. He shall have the custody of and keep safely the bonds of the treasurer and managers,





## OF DITCHES.

**Statement.** said managers shall apportion the amount of money to be expended on each section, and shall file, under their hands, or the hands of a majority of them, with the secretary, to be recorded by him in the books of the company, a statement of the divisions into sections, setting forth what parts of the main ditches and prongs compose each section, the amount apportioned to each section, and the name of the manager to take charge of each section.

**Managers upon written application shall view the marsh or low ground.**

**Laying out new ditches.**

**May employ surveyor.**

**New ditches authorized to be cut.**

**Expenses. How paid.**

**Managers to make appraisal for taxation.**

**Duplicate report. To whom delivered.**

The managers, upon application in writing, signed by any three persons who will be benefited, asking the laying out of a new ditch or ditches, or the acceptance into the company of any ditch or ditches now already laid out and cut by private individuals, designating the locality where such ditch or ditches are wanted, or are already located, shall go upon and view the marsh or low ground designated in said application, and shall, if they think necessary, take with them a skillful surveyor (who shall be sworn or affirmed, before making a survey, to perform the duties required of him faithfully, impartially and with fidelity), and if, in the judgment of the managers, or a majority of them, it is deemed necessary for the draining and improving such marsh or low ground that a new ditch or ditches shall be laid out, cut and made, or a ditch then already cut and laid out shall be accepted into the company, they shall proceed to lay out such ditch or ditches, or accept an old one or ones, as the case may be, and shall determine the place where such ditch or ditches shall empty into any ditch already cut, and the general courses, location and terminus of the same; and shall determine the width and depth, the amount to be expended in cutting and making the same; and shall determine by whom the expense of cutting and making such ditch or ditches shall be borne and the amount each shall pay for cutting and making the same. The managers may accept any old ditch or ditches, without making any survey, if they, or a majority of them, so determine, into the company. The managers shall make an appraisal or valuation, for the basis of taxation, when the owners of such marsh or low ground shall be admitted into the company.

They shall make their report in duplicate, signed by them, or a majority of them, with a plot of the ditch or ditches so laid out by them attached, and shall deliver one to the secretary of the company, to be by him recorded in the books of the company, and shall deliver the other to the Prothonotary in and for Kent county, to be by said Prothonotary filed for



## OF DITCHES.

commissions, or otherwise, to the officers or persons authorized to receive the same, in the manner and within the time prescribed by law or legally appointed for the payment of the same; and if the said \_\_\_\_\_ shall perform the duties of his office, as treasurer as aforesaid, in all things with fidelity, then the above obligation shall be void. And further, we do hereby jointly and severally authorize and empower any attorney or prothonotary of any court of record in the State of Delaware or elsewhere to appear for us, and each or either of us, at the suit of the said "The Cow Marsh Ditch Company," its successors or assigns, and thereupon to confess judgment for the above penalty to the said "The Cow Marsh Ditch Company," its successors or assigns, as of the last, next, or any other term or time after date thereof. And further, we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

\_\_\_\_\_, [L. S.]  
\_\_\_\_\_, [L. S.]

Signed, sealed and delivered in the presence of \_\_\_\_\_.

**Treasurer to collect taxes.** It shall be the duty of the treasurer to collect all taxes and moneys due the said company and pay out of the same to the managers of each section that part of the taxes or moneys which has been apportioned by the managers to each section within ten days after he has collected the same and take receipt thereof. He shall render his accounts and present his vouchers for settlement to the auditors at such time as shall be appointed by said auditors for the settlement and adjustment of his accounts. The managers, by a majority of them, may at any time demand of the treasurer a statement of his accounts, and his books shall at all times be open to them for inspection. If the treasurer shall neglect or refuse to collect the taxes or moneys due to the company, or shall neglect or refuse to perform any of the duties required of him as such treasurer under this act, the managers, or a majority of them, may remove such treasurer and appoint another in his place; and upon such removal and appointment, the treasurer so removed shall, within ten days thereafter, deliver to his successor all books, papers, lists, and other property in his possession belonging to the company, and pay over all moneys in his hands collected by him and not before that time paid over to the managers. Upon any treasurer going out of office at the expiration of the term for which he was elected or appointed, he shall, within ten days thereafter, deliver to his

**To render accounts to auditors.**

**Books to be open to managers.**

**Removal and appointment of treasurer.**

**Duties at end of term.**



## OF DITCHES.

above obligation shall be void. And further, we do hereby jointly and severally authorize and empower any attorney or prothonotary of any court of record in the State of Delaware or elsewhere to appear for us, and each or either of us, at the suit of the said "The Cow Marsh Ditch Company," its successors, or assigns, and thereupon to confess judgment for the above penalty to the said "The Cow Marsh Ditch Company," its successors, or assigns, as of the last, next, or any other term or time after date thereof. And further, we do hereby jointly and severally release all and all manner of error or errors in any such judgment and execution to be issued thereon.

\_\_\_\_\_, [L. S.]  
\_\_\_\_\_, [L. S.]

Signed, sealed and delivered in the presence of \_\_\_\_.

Duties of  
managers in  
relation to  
cutting  
ditches, etc.

To give and  
take receipts

Exhibit his  
books to  
managers.

Removal of  
managers.  
When.

To have a  
copy of  
books and  
papers.

It shall be the duty of each manager to employ the necessary help for the cutting and making any new ditch, and for deepening, widening, straightening and improving any ditch already cut within the section for which he was designated, and to receive from the treasurer any money apportioned to such section and to disburse the same for any work, labor, material, or necessary expense incurred by him upon this section. He shall give to the treasurer receipts for all moneys paid to him, and shall take receipts for all moneys disbursed by him. He shall keep a book in which he shall enter the amount received and the amount disbursed, and the names of the parties to whom disbursed, and shall present his accounts and vouchers for settlement before the auditors as hereinafter provided. He shall at all times, when requested by the other managers, or a majority of them, exhibit his books, showing the amount received and disbursed by him. If at any time any manager shall neglect or refuse to perform the duties required of him under this act, the other managers may remove any such manager and appoint another in his place; and the manager so removed shall pay over to the treasurer all moneys in his hands, and shall deliver to his successor in office, within ten days after his successor shall have been appointed, all books, papers, and other property belonging to the company in his possession, but he shall be entitled to a copy of any such books, papers, or account so delivered in which he is personally interested; which copy shall be compared by his successor, and shall be certified under his hand that the said copy is true and correct. The expense of said copy to be borne by the manager removed. The compensation of the

















## OF DITCHES.

showing the extent and character of such extension, widening or deepening or other alterations or changes which they shall direct to be made; and if the said commissioners shall be of opinion that the owner or owners of any land lying upon or adjacent to the said ditches or any of them, will sustain damage by the alteration or change or opening of such ditches or any of them, or by the alteration or changing of the course of any of them, more than equivalent to the benefit received by such owner or owners, they shall make a valuation of such excess or damage and enter such valuation with the name of the persons or persons to whom they shall award damage, and the amount thereof, upon the said certificate, which damages, if any be awarded, shall be paid by the company before the alteration or change or opening of said ditches, or the alteration or change of the course of any of them; and further, the said commissioners shall also estimate and set forth in their said certificates the probable costs of making the improvements they shall direct to be made, and the work they shall direct to be done in the premises, and also their fees and the expenses by them incurred in the performance of the duties enjoined upon them by this act, and the said commissioners shall return one of said certificates into the office of the Prothonotary in and for Kent county, to be by him filed and kept in said office, and shall deliver the other of said certificates to the secretary of said company, to be by him kept with the other papers of said company, which said certificates shall be final and conclusive, and the appraisement and valuation therein contained shall be the true valuation of said marsh and low grounds, according to which all sums of money raised by said company shall be apportioned until a new appraisement shall be made, as hereinafter directed. Each of said commissioners, before entering upon the duties enjoined by this act, shall be sworn or affirmed to perform the duties required of them by this act faithfully and impartially, according to the best of his skill and judgment, which oath or affirmation may be administered to said commissioners by any judge, justice of the peace or notary public of this State, or either of said commissioners may administer the oath or affirmation to the other or others. All the commissioners shall view the said marsh and low grounds, but the acts of any two of them agreeing shall be as valid to all intents and purposes as the acts of the whole of them. If any of the said commissioners to be elected as aforesaid shall die, resign, remove from Kent county, or refuse, neglect, or become incompetent to act before all the

Damages to adjacent owners.

Paid by company.

Duty of commissioners as to costs.

Certificates. Where kept.

Valuation to continue till new appraisement.

Commissioners sworn.

Oath. By whom administered.

Vacancies. How filled.



## OF DITCHES.

a plurality of votes, by resolution, what sum or sums of money ought to be raised, by way of tax as aforesaid, for the purpose of keeping all the ditches and drains of said company in good and sufficient repair, which said sums of money, either for completing the said improvements or for keeping all the ditches and drains of said company in good and sufficient repair, shall be levied and assessed by the managers for the time being of said company, or a majority of them, according to the provisions hereinbefore in that behalf contained; and the said managers, or a majority of them, shall, from time to time, make out duplicate list, under their hands, of all the assessments and taxes by them made and levied as aforesaid, which list shall contain a minute of all changes of ownership and transfer of any of the said marsh and low ground, and one of the said lists shall be delivered to the treasurer of said company for the time being, and the other of said lists shall be delivered to the secretary of said company; and such assessments and lists shall be final and conclusive upon all the parties, and the said lists so delivered to the treasurer shall be a sufficient warrant for him or his successor in office for levying and collecting all and every the sums of money and taxes in said lists mentioned, and all the provisions of the act to which this is a supplement in relation to the receipt, payment and collection of the taxes therein directed to be assessed and levied are hereby declared to apply and be in full force in relation to the receipt, payment and collection of all and every the taxes by this act contemplated to be assessed and levied.

Duplicate  
lists of  
assessments.  
What to  
contain.

To whom  
delivered.

Conclusive.  
Warrant to  
treasurer to  
collect taxes.

Duties of  
managers.

It shall be the duty of the managers of said company for the time being, so far as they may have funds of the company sufficient therefor, to carry out, make and complete all and every the directions and improvements which shall be ordered by the said commissioners to be made under the provisions of Section 1 of this act; and it shall also be the duty of said managers at all times, when there may be funds of the company sufficient for that purpose, to keep scoured and cleansed and in good order and condition all the ditches and drains of the said company, and generally the said managers shall do and perform all and every act and duty required of them by the act to which this is a supplement.

New ap-  
praisement.

SECTION 3. That it shall be lawful for the said Gravelly Run Marsh Company, at the annual meeting to be held on the second Saturday of May in the year 1888, and at any





## OF DITCHES.

at an annual meeting; and in any such other new appraisement and valuation the commissioners shall not be confined to the same marshes and low grounds only which shall have been included in any previous appraisement and valuation, but may include any other marshes and low grounds which they may be of opinion are or will be benefited or improved by any ditch or ditches which shall have been or may be opened, and the fact that any of the said marsh and low grounds are subject to appraisement and taxation in any other company shall not exempt them from appraisement and taxation in the said The Gravelly Run Marsh Company; *provided* that in the opinion of said commissioners they are or will be benefited by any of the ditches or drains of the said The Gravelly Run Marsh Company now cut or open or hereafter to be cut or opened.

New appraisement may embrace other marshes, etc

Proviso.

SECTION 4. That if any new or other appraisement and valuation of said marsh and low grounds shall be made at the expiration of five years from the second Saturday of May in the year 1883, or at any other period of five years thereafter, as provided by the next preceding section of this act, it shall be the duty of the managers of the said company for the time being, as soon as conveniently can be done after such new or other appraisement and valuation shall be made, and after the certificates shall be returned as aforesaid, to lay out and assess upon the value of said marsh and low grounds mentioned and appraised in the certificates then last made and returned a certain rate upon each and every dollar of the appraisement and valuation then last made and returned as aforesaid, so as to raise a sum of money sufficient to defray the expenses of the then last appraisement and valuation, with such additional sum as may be necessary to carry into effect and complete all the improvements which may be directed by the said commissioners in their certificates then last made and returned as aforesaid, and also such other and further sum as the said company may at any annual meeting determine ought to be raised for the purpose of keeping the ditches and drains of the said company in good order and condition; and the said managers, or a majority of them, for the time being shall, from time to time, make out duplicate lists, under their hands, of all the assessments and taxes by them to be made and levied as last aforesaid, which lists shall contain a minute of all changes of ownerships and transfer of any of the said marsh and low grounds; and one of said lists shall be delivered to the treasurer of said company for

Managers to levy taxes. When.

Duplicate lists. Contents.

To whom delivered.



## OF DITCHES.

## CHAPTER 159.

## OF DITCHES.

## AN ACT to incorporate the Kirk Branch Ditch Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring,)*

Owners of  
certain low  
grounds in  
Mispillion  
hundred in-  
corporated.

That the owners of the swamps and low grounds situated in Mispillion hundred, Kent county and State of Delaware; contiguous to or draining into the branch known as Kirk's Branch or any of its tributaries, and whose names shall be included in any certificate to be made by commissioners as hereinafter provided, and such persons as may hereafter become owners, shall compose a company to be called "The Kirk's Branch Ditch Company." The first meeting of said company shall be held upon a day to be appointed by the commissioners herein first named, at the school house in School District No. 34, in said hundred, and their annual meetings shall be held on the last Saturday in May following, at two o'clock P. M., and on the last Saturday in May in every year thereafter, at the same hour and place, or at such other hour and place as such company shall determine by a resolution to be adopted at any annual meeting. At the first meeting of the company held in pursuance of the call of the commissioners, said company shall choose by ballot and a plurality of the votes cast, a treasurer, a secretary and three managers, all of whom shall be members of the company.

Name.  
First meet-  
ing.  
When and  
where held.

Election of  
officers.

Occasional  
meetings.

Notice.

Term of  
office.

Vacancies.  
How filled.

Occasional meetings may be called by the managers, or a majority of them, at such times and places as they may designate, by giving ten days notice by advertisements posted at five of the most public places of the neighborhood. The officers chosen at the first meeting shall hold until the next annual meeting and until successors shall be chosen, and at every annual meeting it shall be the duty of the company to choose officers as aforesaid, but in case of failure to do so the officers then in office shall continue until others are chosen. If any officer shall remove from the neighborhood, or shall dispose of his interest in said low grounds, or in any way cease to be a taxable, his place shall be vacated, and any vacancy, whether by death, resignation or otherwise, occurring in the interim between the annual meetings, may be filled at an occasional meeting of the company. Every owner



## OF DITCHES.

**Powers.** commissioner so appointed shall have all the powers and be charged with the performance of the same duties, so far as they are then incomplete, as if he had been originally named as one of the commissioners. When and as soon as the commissioners shall have made the certificates, as above provided, they, or a majority of them, shall call a meeting of the company at some time by them named in the said call, suitable and convenient, at the school house in School District No. 34 aforesaid, of which ten days notice shall be given by advertisements posted at five of the most public places of the neighborhood, and in said call and notices shall state the names of the owners contained in said certificate, and also the purpose of the meeting to elect officers as hereinbefore specified, and a majority at least of said commissioners shall be present at the opening of said meeting with the certificate directed to be delivered to the secretary.

**Meeting. Notice.**

**Commis- sioners may employ help to cut ditches, etc.** SECTION 3. *And be it further enacted,* That the said Zebulon Hopkins, Robert H. Smith and John Cahall, commissioners herein named, or such other person or persons as may be appointed to fill any vacancy, shall cut and open all such ditches, drains, prongs and outlets as the said commissioners shall judge proper and sufficient to drain said swamps and low grounds as aforesaid, and for this purpose shall have power to employ such overseers and workmen as they may deem necessary to complete the work, and shall pay the expenses attending the same. An exact account shall be kept by the said commissioners of their doings and expenditures, showing, among other things, the amount of labor and services performed by each employee and the money paid to him, all articles furnished and by whom, and the money paid therefor, and the number of days which the said commissioners, and each of them, were personally engaged in the discharge of their duties respectively; which account shall be delivered to the treasurer of the company and shall be recorded in the book of the said treasurer and kept by him as one of the papers of the company.

**Expenses. Detailed account.**

**To be recorded by Treasurer.**

SECTION 4. *And be it further enacted,* That for the purpose of raising the money necessary to cut and open the said ditches, drains, prongs and outlets, the said commissioners, whether those herein named, or that may be appointed as hereinbefore provided, shall, as soon as the appraisement and valuation aforesaid shall be completed and the certificates thereof have been made and delivered to the recorder and secretary



## OF DITCHES.

on said plot, with the distance which it runs through his land, and shall annex to said plot a general but accurate description of the number of acres of each owner benefited, the sums levied from and paid by each owner for the expenses attending the cutting and opening thereof, and the rate at which the same was levied, and they shall cause the same to be recorded in the office of the Recorder of Deeds in and for Kent county, and such record, or a certified copy thereof, shall be evidence.

Record.

Evidence.

SECTION 6. *And be it further enacted,* That the said commissioners, when the said cutting and opening shall have been completed and the said plot shall have been made and lodged for record, shall, within two weeks afterwards, give notice, in writing, to the managers for the time being, who shall thereupon and within two weeks call a meeting of all the taxables, by public notice as aforesaid, and shall give special notice thereof to the said commissioners, at which meeting the said commissioners shall attend, and then and there make a just statement and render a full and true account of their doings in the premises, showing their receipts and expenditures, and the several persons to whom the money was paid and for what such payment was made, and shall pay over to the treasurer any residue that may remain unexpended, and shall deliver to the secretary all books, papers and vouchers in possession or control, showing their action as such commissioners, and shall take the receipts of the said treasurer and secretary; and such settlement being made and receipts given and accepted shall be final and conclusive. Upon such settlement the said commissioners shall exhibit a true statement of the number of days each was employed or engaged in and about the performance of the duties enjoined by this act in the work of viewing the said swamps and low grounds and in preparing the papers directed to be made, and in attending to the opening and cutting the said ditches, drains, prongs and outlets; and each of said commissioners shall be entitled to receive the sum of two dollars for each day on which he was so employed or engaged, and a further sum for collecting and disbursing the money collected, to be fixed by the vote of the company at such meeting, not to exceed five per centum thereof; and in such settlement any sum so due may be retained by the commissioners for the benefit of any of them so entitled, and if there be not enough money in their hands for the purpose of compensation, any deficiency shall be paid by the company, and it shall be the

Meeting of  
taxables.  
Notice.Statement of  
commis-  
sioners.Settlement  
with secre-  
tary and  
treasurer.  
Conclusive.  
Duties of  
commis-  
sioners.Compensa-  
tion.



























## OF DITCHES.

the duties of said office as treasurer with fidelity; and every treasurer for the time being shall have the same power to collect and levy all unpaid taxes upon a list delivered to a former treasurer as the treasurer had to whom the list was originally delivered.

Powers of  
treasurer to  
collect taxes.

SECTION 8. *And be it further enacted,* That the treasurer for the time being shall have full power and authority to demand and receive, levy and make, all and every the taxes which shall be laid and assessed pursuant to this act by the managers, according to the certificate or the list which shall be delivered to such treasurer; and in case any tax or taxes so levied and assessed, or any part thereof, shall remain unpaid for the space of ten days after the time appointed for the payment thereof as aforesaid, the treasurer for the time being shall proceed to make and levy all such taxes so remaining unpaid in the same manner and by the same means as are provided by law for the recovery of the county, poor and road taxes, except that the said treasurer shall advertise at least thirty days before the day of sale; and every treasurer shall be allowed a commission of five per centum on all money by him collected.

Compensa-  
tion.

Right of  
owners of  
low ground  
ratable and  
assessed to  
cut lateral  
ditches.

SECTION 9. *And be it further enacted,* That every person holding any ground adjacent to said ditch, and ratable and liable to be assessed under this act, shall have full power and liberty, without any interruption or hindrance, to cut such other ditches or drains as may be necessary to drain such adjacent ground into the company's ditch at such place or places as the owner or owners of such adjacent ground shall find most convenient and proper; *provided, nevertheless,* that if the said ditches or drains from such adjacent ground shall run through the land of any other person or persons, the place of cutting the same shall be fixed and determined by three disinterested freeholders to be appointed by the managers for the time being, and the place so fixed and determined by said freeholders shall be certified by them under their hands to the managers for the time being, and the certificate entered upon the books of the company.

Proviso.

Certificate.  
Where  
entered.

Penalty for  
obstructing  
or injuring  
ditches.

SECTION 10. *And be it further enacted,* That if any person shall willfully fill up or in any manner obstruct or injure the said ditch, or shall stop, obstruct or impede the course of the water running therein, every person so offending shall pay to the said Gum Branch Ditch Company the sum of thirty









































## OF RAILROADS.

## CHAPTER 170.

## OF RAILROADS.

**A** Further Supplement to an act entitled "An act to incorporate the Wilmington City Railway Company," passed at Dover, February 4, 1884.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):*

**SECTION 1.** That the Wilmington City Railway Company be and they are hereby authorized to borrow money to an amount not exceeding fifty thousand dollars, in addition to the amount which it is now by law authorized to borrow, and to secure the payment of the same by issuing its bonds and by mortgage of its railway franchises and property, real and personal. Authorized to borrow not exceeding \$50,000 in addition.  
Payment secured by bonds and mortgage.

**SECTION 2.** This act shall be deemed and taken to be a public act.

*Passed at Dover, April 5, 1883.*

## CHAPTER 171.

## OF RAILROADS.

**AN ACT** to authorize "The Wilmington and Northern Railroad Company" to Widen and Improve its lines of Railroad within this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):*

**SECTION 1.** That it shall and may be lawful for the said "The Wilmington and Northern Railroad Company" to widen and enlarge the road-bed on the whole or any portion or portions of its line of railroad within this State, and the bridges, crossings, sidings and structures thereof or connected therewith, from time to time, whenever in the opinion of the board of directors it may be necessary so to do; *provided* that such road-bed shall not be widened by authority of this act to Authorized to widen and enlarge road bed, etc.  
Provide.







## OF RAILROADS.

## CHAPTER 172.

## OF RAILROADS.

AN ACT to incorporate the Wilmington and Brandywine Passenger Railway Company.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):*

Commissioners.	SECTION 1. That John G. Baker, Joseph Tatnall, Isaac S. Elliot, Preston Lea, Jacob Pusey, Evans Pennington, T. Allen Hilles, James C. Pickles, George W. Talley and George A. Elliott be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned,
Duties.	that is to say: they, or a majority of them, shall procure and cause to be opened, at such time and places and on such
Books of subscription.	notice as they may deem proper, suitable books for subscriptions to the capital stock of the corporation hereinafter created. The subscriptions to said capital may be made
Amount paid at time of subscription.	either in person or by attorney. Five per centum upon the amount of stock subscribed shall be paid to the commissioners at the time of subscription. As soon as subscriptions shall
When subscription closed.	have been made to the amount of twenty-five thousand dollars and the five per centum thereon paid as aforesaid, the subscription shall be closed, and the commissioners shall call
Meeting of subscribers. Time and place. Notice.	a meeting of the subscribers, to be held in the City of Wilmington, upon ten day's notice thereof, published in two newspapers of said city, for the purpose of organizing the
Election of officers. Quorum.	company by the election of officers. A majority of said commissioners shall form a quorum for the transaction of any business, and a majority of those present at a meeting
Vacancies. How filled.	may determine any question. If any commissioner before named shall decline to perform the duties herein prescribed, the remaining commissioners may, if they deem it expedient,
Amount subscribed paid to treasurer.	appoint another person to act in his place. Upon the organization of the company the commissioners shall pay to the treasurer of the corporation the five per centum received by them, first deducting expenses actually incurred.
Incorporated. When.	SECTION 2. That as soon as twenty-five thousand dollars of capital stock shall have been subscribed and the five per centum thereon paid as aforesaid, the subscribers, and their successors, shall become and they are hereby declared to be a













































## OF CITIES AND TOWNS.

removed or abated, and for this purpose the council of said town may issue a warrant in the name of the Town of Seaford, under the hand of the president of the council and the seal of the said corporation, and directed to any constable of the town of Seaford, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Seaford, and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper, and do and perform all matters and things, right and proper to be done, for the removal of such obstructions or the abatement of such nuisance. The cost and damages of all the proceedings shall be determined and adjudged by the council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill, stating the amount of such cost and damages, shall have been presented to such person. Then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town, in the same manner as is provided in Section 10 of this act for the collection of the expenses of any paving, graveling, &c.; and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said section ten of this act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town, for the use of the town, the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two day's notice as aforesaid, to be recovered, with cost of suit, in the name of the Town of Seaford, before the alderman of said town, or any justice of the peace residing in said

Council to  
issue war-  
rant.

To whom  
directed.

Constable  
to abate  
nuisance  
Authority of  
constables.

Costs and  
damages.

How col-  
lected.

Treasurer  
no power to  
sell lands  
and ten-  
ements.

Additional  
costs.

Recovery of  
same.



















## OF CITIES AND TOWNS.

Section 18  
amended.

Compensa-  
tion of  
officers.  
Proviso.

SECTION 3. That section eighteen of said act be and the same is hereby amended by striking out the words "one hundred dollars" in the fourth line of said section, and insert the words "two hundred dollars," exclusive of "dog tax," in lieu thereof; and further to amend said section eighteen by striking out the last six lines of said section, after the word "require," and insert in lieu thereof the words "the said alderman, secretary, assessor, and treasurer, or collector, shall receive a reasonable compensation, to be determined by the board of commissioners; *provided* the compensation, as such, shall not exceed three per cent. in the case of the alderman, assessor and secretary, nor of ten per cent. in case of the collector, or of the treasurer when acting as collector."

*Passed at Dover, February 21, 1883.*

## CHAPTER 179.

## OF CITIES AND TOWNS.

An Additional Supplement to an act entitled An act for the better regulation of the Streets of Delaware City, and for other purposes, passed at Dover, March 5, 1851.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring herein):*

Authorized  
to levy dog  
tax.

Proviso.

SECTION 1. The commissioners of Delaware City, with the approval of the mayor, shall have power to lay and collect such special tax upon dogs kept within the city limits as may be for the well-being of the said city; *provided, however*, that they shall not lay a tax exceeding five dollars upon each dog, and shall have power to pass such ordinance as they may deem proper in regard to dogs at large, or to regulate the keeping of vicious, noisy or rabid dogs within the limits of said city.

Town  
elections.  
Who may  
vote.

SECTION 2. Any male inhabitant of said city, who is entitled to vote for representatives in the General Assembly, having resided within the city limits one year preceding the



## OF CITIES AND TOWNS.

annual city election, having been assessed and having paid all taxes due from him to the said city during the preceding year, shall be entitled to vote at such election. No person, unless so qualified, shall be entitled to vote at any city election.

SECTION 3. That the mayor and commissioners of Delaware City are hereby empowered to deposit any money, investments and securities belonging to the sinking fund for the extinguishment and payment of the bonds issued by the mayor and commissioners of Delaware City, in the Delaware City National Bank, or with some safe trust or deposit company for safe keeping, or with any money belonging to the said sinking fund, or any surplus money belonging to the city they may have in their charge, they may buy the bonds issued by the said mayor and commissioners of Delaware City aforesaid, and cancel same and keep an accurate record of the bonds thus cancelled.

Sinking fund investments may be used for payment of city bonds.

Record to be kept of bonds cancelled.

SECTION 4. That such parts of the original act of which this is a supplement, and all supplements and parts of supplements of the same as are repugnant to this act are hereby repealed, and this act shall be a public act.

*Passed at Dover, February 28, 1883.*

## CHAPTER 180.

## OF CITIES AND TOWNS.

## AN ACT to incorporate the Town of Frankford.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring) as follows:*

SECTION 1. That the limits and bounds of Frankford shall begin at a tenant house of John T. Long now occupied by Alfred Long; thence running in a southeasterly direction to the railroad, taking in the house of Eber Long and Robert Davis; thence in a northeasterly direction to the south corner of George Dingles' lot, crossing the main road at that place;

Limits of the town of Frankford.

## OF CITIES AND TOWNS.

thence north seventy-five degrees east across the lands of Mrs. A. Hickman to the intersection of the line of Captain D. C. Betts' land; thence northeasterly to the south or southeast corner of Thomas L. Barker's lands; thence in a northwesterly direction to the intersection of the public road between lands of George Gray and Benjamin Gray; thence in a northwesterly direction to a tenant house of Joshua J. Derickson; thence in a westerly direction to two small gum trees between the lands of Joseph Cary and Sallie Cannon, and thence home to the place of beginning. The Council of the Town of Frankford, to be chosen as hereinafter provided, shall hereafter, with the assistance of a sworn surveyor, cause a resurvey and plot to be made of the said town as hereinbefore located, with such changes as they may deem proper, together with the streets, alleys, lanes and sidewalks; and the said plot, when so made and approved by the said council, shall be recorded in the Recorder's office in and for Sussex county, and shall be evidence in all courts of law and equity in this State.

Plot and re-survey.

Where recorded.  
Evidence.

Council.  
How composed.

President.  
Term of his office.

Election for councilmen.  
When and where held.

Term of office.

President.  
Term of his office.

Qualification of councilmen.

Opening and closing of elections.  
Who entitled to vote.

SECTION 2. There shall be a Council of the Town of Frankford to be composed of nine members, one of whom shall by said council be elected President of said council for the term of one year, and until his successor shall be elected. That an election shall be held in Frankford, Sussex county, on the second Saturday of April next after the passage of this act, at the free school house in said town, for nine councilmen, three of whom shall be elected for one year, three for two years and three for three years, and annually thereafter an election shall be held for three councilmen to succeed those whose term of office will expire. The councilmen shall be elected for the term of three years, and until their successors shall be duly elected, and the president of the council shall be elected from the board of council for the term of one year and until his successor shall be duly elected, but any councilman or the president may be re-elected. The councilmen shall be resident freeholders of the Town of Frankford at the time of their election, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a member of said council or the president of said council, although he may not be the owner, in his own right, of any real estate within said town. The election shall be opened at one o'clock, P. M., and close at four o'clock, P. M. At such election every free male citizen residing in said town, who shall be of the age of twenty-one years, and shall have



## OF CITIES AND TOWNS.

term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected.

Election of Alderman.	SECTION 3. The town council, at the meeting after each annual election as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, some suitable person, resident in said town, to be alderman of the town of Frankford, who may or may not be a justice of the
Term of his office.	peace, resident in said town, to serve as such for the term of one year, or until his successor shall be duly elected; subject,
Removal.	however, to be removed from office at any time by a vote of two-thirds of all the members composing the town council.
Oath of office.	Before entering upon the duties of his office, he shall be sworn or affirmed by the president of the town council, or by any one of the councilmen, to perform the duties of his office
His duties and powers.	honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all the orders and directions of the town council made in pursuance of any law of this State, or of any ordinance that the said town council may legally make and establish. He shall have all the powers of the justice of the peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town, so far as to arrest and hold to bail or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State, or by any ordinance of the town council regularly passed and established for the government of the town, and also all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town or to execute or obey any law or ordinance thereof. <i>Provided</i> that he shall not impose any fine exceeding twenty-five dollars or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs.
Proviso.	
Fees.	His fees for any services under this section shall be the same as those of a justice of the peace for a like service, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the town council.
Vacancies in alderman's office how filled.	If any vacancy shall occur in the office of alderman of the town of Frankford by death, resignation, removal from office or otherwise, such vacancy may be supplied by the town council, at a meeting thereof, for the residue of the term. If
His duties concerning successor.	any alderman shall be removed from his office by the town council, as hereinbefore provided, he shall deliver to his



## OF CITIES AND TOWNS.

**Powers.** shall be able and capable to sue and be sued, plead and be impleaded, in courts of law and equity in this State, by the corporate name of "The Town of Frankford;" and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold and enjoy lands tenements and hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and may alien, grant, devise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this act. The president and councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open or hereafter to be opened within the limits of said town; and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex county, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than two hundred and fifty dollars, and shall make an order for the payment thereof to the treasurer of the town of Frankford for the use of said town.

**Name.**

**Power to hold real estate.**

**Superintendence of streets, etc.**

**Appropriations by Levy Court for use of streets.**

**Location of new streets, etc.** SECTION 7. The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open, or widen, any new street or streets, lane or lanes, alley or alleys, or widen any street, lane, or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town, upon warrants drawn upon him by order of the council aforesaid.

**Reopening of old streets, etc.**

**Compensation for damages. By whom and how paid.**

**Notice to owners of real estate.** SECTION 8. Whenever the town council shall have determined to locate and lay out, or widen any street, lane, or alley, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane, or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane, or alley may run, of their determination to open and



## OF CITIES AND TOWNS.

By whom costs of appeal shall be paid. assessment of damages by freeholders appointed by the associate judge aforesaid, if the damages shall be increased the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town; but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders, the town council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

Fees of freeholders.

Prosecution of improvements.

SECTION 9. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances; to ascertain and fix boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing wherever in their opinion such paving or graveling, making of gutters and the placing of gutter stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar-doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible material, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alter-

Nuisances, diseases, etc.

Extent of jurisdiction. Ordinances defining, and for the removal of nuisances. Boundaries.

Grades of streets, etc.

Paving and graveling.

Storage of gunpowder, etc.

Breadth of footways.

Changing of grade.





## OF CITIES AND TOWNS.

	of the said bill, together with all costs. It shall be the duty of the treasurer of the town of Frankford, as soon as convenient after the said warrant shall be delivered to him, and after
Time of sale	ten day's notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Frankford, at least ten days before the day of sale, to sell the goods and chattels of
Amount necessary.	such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of
When lands shall be sold.	said bill with all costs, then it shall be the duty of the said treasurer of the said town of Frankford, after ten day's notice to such owner or owners aforesaid, and after posting
Notice. Time and place of sale.	five or more notices of sale in at least five of the most public places in the town of Frankford, for at least ten days before the day of sale, and after causing such notice of sale to be
Publication.	published twice in one newspaper printed in the said town of Frankford (or if there be no newspaper printed in the said town of Frankford, then in a newspaper printed anywhere
Amount of land to be sold.	in Sussex county), to sell the lands or tenements of such owner or owners in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the
Deed.	treasurer of the said town of Frankford shall convey to the purchaser or purchasers of such lands and tenements as full
Title.	and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim
Claim for paving, etc.	for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of
Costs. By whom and how paid.	the treasurer of said town, of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of sale to the parties entitled thereto, and to retain for the use of
Deposit of residue.	said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real
Fees of treasurer.	







## OF CITIES AND TOWNS.

alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. *Provided* the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Frankford.

Fees.

Proviso.  
Town to pay  
board of  
prisoners.

Fireworks,  
etc., pro-  
hibited.

Fines.

SECTION 18. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Nuisances  
and obstruc-  
tions abated  
and removed

Notice.  
By whom  
given.

SECTION 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square or in the streets, lanes, or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves, or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for



## OF CITIES AND TOWNS.

alderman of said town for violation of this section, it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. *Provided* the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Frankford.

Fees.

Proviso.  
Town to pay  
board of  
prisoners.

Fireworks,  
etc., pro-  
hibited.

Fines.

SECTION 18. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Nuisances  
and obstruc-  
tions abated  
and removed

Notice.  
By whom  
given.

SECTION 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square or in the streets, lanes, or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves, or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for













## OF CITIES AND TOWNS.

## CHAPTER 181.

## OF CITIES AND TOWNS.

AN ACT to further amend Chapter 480, Vol. 13th of the Laws of the State of Delaware.

Sections 16  
and 10, of  
Chapter 480,  
Volume 13,  
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein),* That Chapter 480, Volume 13, Part 3, of the Laws of the State of Delaware, entitled "An act to incorporate the Town of Harrington," be and the same is hereby amended by striking out the words "eight hundred and fifty," in lines 8, 9, 10, 11 and 13 of Section 16 of said act, and by inserting in lieu thereof the words "twenty-six hundred and forty."

SECTION 2. *Be it further enacted,* That Section 10, in line 12, be and the same is hereby amended by striking out the words "one hundred" and inserting in lieu thereof "two hundred."

Farm lands  
or buildings  
exempt from  
taxation.

SECTION 3. That no farm lands or farm building within the extended lines of said town be taxed for town purposes unless laid out in building lots.

*Passed at Dover, March 9, 1883.*

## CHAPTER 182.

## OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to incorporate the Town of Middletown."

Section 4,  
Chapter 36,  
Volume 12,  
amended.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each house concurring),* That the act entitled "An act to incorporate the town of Middletown," passed



## OF CITIES AND TOWNS.

Mayor.  
Term of  
office three  
years.

Tuesday of April, A. D. 1883, the mayor of said city shall hold office for and during the term of three years, instead of one year, as is now provided by the act of which this is amendatory, and everything in said act inconsistent with this act is hereby repealed.

*Passed at Dover, March 14, 1883.*

## CHAPTER 184.

## OF CITIES AND TOWNS.

AN ACT to supplement and amend Chapter 114, Volume 14 of the Laws of Delaware, entitled "An act to incorporate the Town of Lewes, and for other purposes," as amended by Chapter 535, and republished in Chapter 536 of the same volume.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Chapter 114,  
Volume 14,  
as amended  
by Chapter  
535, same  
volume,  
amended.

SECTION 1. That Section one of Chapter 114, Volume 14 of the Laws of Delaware, as amended by Chapter 535, and as republished in Chapter 536 of the same volume, be and the same is hereby amended by striking out the word "five" in the eighth line of said section, as republished as aforesaid, and by inserting after the word "town," in the fourteenth line, and before the word "the" in the same line, as republished as aforesaid, the words following, to wit: "And at the annual election in 1884 the said commissioners shall be elected as follows: four persons shall be elected to serve for the term of one year, four persons for the term of two years, and four persons for the term of three years; and on the first Saturday of January annually thereafter four persons shall be elected to serve for the term of three years as commissioners. The treasurer and assessor shall be elected as heretofore, to serve for one year."

SECTION 2. That the said section one of the said act be and the same is hereby further amended by striking out all of said section between the word "notary," in the thirty-second line, and the word "immediately," in the forty-first line of























Election. When held.	That an election shall be held in the town of Newport, New Castle county, on the second Saturday in April next, at the place where the general elections are now held, from 1 o'clock till three in the afternoon, and thereafter on the second Saturday of every April, at such time and place as shall be determined and fixed by the town commissioners, due notice whereof shall be given by the said commissioners at least five days before said subsequent election, for an alderman, five commissioners, an assessor, and treasurer. Three of the said commissioners, and the assessor, and treasurer, shall be freeholders and citizens of said town, and two of said commissioners may be citizens not freeholders of said town. The votes shall be received by a State's justice of the peace in said town, and the result of the balloting for said alderman, commissioners, assessor, and treasurer shall be ascertained by himself and two citizens of said town selected by him to assist in holding said election. At such election every male citizen of said town who shall have attained the age of twenty-one years, and shall have paid the town tax last assessed to him, shall have the right to vote. The justice of the peace and the two citizens aforesaid shall be judges of the election, and shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted, and the persons having the highest number of votes shall be declared duly elected, and shall continue in office until their successors are duly elected. On the day following said election the commissioners elect shall meet at the office of the present town commissioners and choose by lot three of their number to serve for one year, and two of their number to serve for two years, or until their successors are duly elected; and yearly thereafter an election shall be held at the time and in the manner aforesaid to choose three, or two, commissioners, as the case may be, to serve for two years. Immediately after such election the person or persons under whose superintendence the election
Notice.	
Alderman, commissioners, assessor, treasurer.	
Eligibility.	
Votes received by a justice.	
Result. How ascertained.	
Qualification of a voter	
Judges.	
Who declared elected.	
Commissioners.	
Term of office.	



to be recovered before the succeeding alderman or any justice of the peace residing in said town.

<b>Qualifica- tion.</b>	<b>SECTION 5.</b> <i>And be it further enacted as aforesaid,</i> That the alderman, commissioners, assessor, and treasurer aforesaid, so elected, shall, before one of the justices of the peace in the said town, be duly qualified, by oath or affirmation, to perform the duties of their offices respectively to the best of their knowledge respectively, and without favor or partiality, and after being so qualified, the said commissioners, at their first meeting after each election, shall choose a president and secretary from their number, who shall continue during their term of office; and if, by death or otherwise, the place of the president or secretary shall become vacant, the commissioners, or a majority of them, at their next meeting thereafter,
<b>President and Secre- tary.</b>	
<b>Vacancies. How filled.</b>	



## OF CITIES AND TOWNS.

- Damages.** the persons respectively through or over whose grounds such new street or streets may run such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of moneys of said town on warrant drawn on him by the commissioners aforesaid.
- Road commissioners to make an apportionment of \$150.** That the road commissioners of Christiana hundred be and they are hereby directed to make an apportionment of the road tax of said hundred amounting to the sum of one hundred and fifty dollars for each and every year, to be paid to the commissioners of Newport, to be by them expended in repairing and maintaining in proper order the streets, sidewalks and bridges of said town; and the said commissioners shall have the sole supervision of said streets, sidewalks and bridges; *provided always* that the said commissioners shall in no case be required to repair or keep in order any bridges subject to be supported by the County of New Castle or roads that belong to the Wilmington and Christiana Turnpike Company.
- Proviso.**
- Notice of location of street.** **SECTION 7.** *And be it further enacted as aforesaid,* That whenever the commissioners shall have proceeded to locate and lay out any new street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, to notify, in writing, the owner or owners of the real estate through or over which such new street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners, or some one of them. In order to prosecute said appeal, such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to the justice of the peace, oldest in commission, residing within said town, who shall, within three days thereafter, and upon notice to the said commissioners, or some one of them, select and write down on a list the names of twenty-one judicious and impartial
- Freeholders.** freeholders, nine of whom shall be freeholders of Christiana



## OF CITIES AND TOWNS.

Acts of ma- of said freeholders shall be as good as an act of the whole in  
 jority valid. making any such award or assessment of damages.

Costs borne SECTION 8. *And be it further enacted as aforesaid, That*  
 by town. if on any such appeal the award shall be against the necessity  
 When. of a street, or the freeholders shall increase the damages of  
 any appellant, then the cost of appeal shall be borne by the  
 town, but if the freeholders shall affirm the necessity of the  
 street, and shall not increase the damages of any appellant,  
 Costs paid then the costs shall be paid by the appellants equally. That  
 by the ap- the damages which may be assessed upon the occasion of  
 pellants. opening any new street shall be paid out of the funds of the  
 town, or duly tendered, before the property of any person in  
 Damages. whose favor the damages are assessed shall be appropriated  
 How paid, for the opening of any such streets; and in case any such  
 and when. owner or owners, in whose favor any such damages are  
 assessed shall be a minor or non-resident, or refuse to receive,  
 or be incapable, for any cause, of receiving the same, such  
 damages may be deposited in the Newport National Bank, or  
 Deposited in any other banking institution which may at the time exist in  
 bank, when. said town, to the credit of such person or persons, and subject  
 to his or their order, and such deposit shall operate as pay-  
 ment. The fees of the freeholders shall be one dollar per  
 Fees of day.  
 freeholders.

Power of SECTION 9. *And be it further enacted as aforesaid, That*  
 commission- the commissioners, or a majority of them, be and they are  
 ers to direct hereby authorized and required, upon the written petition of  
 pavements five or more freeholders of said town, to direct, in writing,  
 to be made. the owner or owners of any house or land in Newport, before  
 or in front of which they may deem proper that a pavement  
 should be made, to curb and lay a pavement of brick or  
 smooth stones, of such length and width as the said com-  
 missioners may specify, and if such owner or owners shall  
 neglect or refuse, for the space of three months, after being  
 directed as aforesaid, to lay such pavement with good and  
 sufficient curbs, it shall and may be lawful for the said com-  
 missioners, and they, or a majority of them, are authorized  
 and required to cause such pavements and curbs to be made,  
 and to recover the costs of making the same by the distress  
 and sale of any goods and chattels, lands and tenements  
 belonging to such owner or owners within the limits of said  
 town. If any pavement, already made, shall, at any time,  
 by the said commissioners, or a majority of them, be deemed  
 an insufficient pavement, they, or a majority of them, shall

Commis-  
 sioners au-  
 thorized to  
 pave, when.

Distress.









## OF CITIES AND TOWNS.

**Bailiff.**      **SECTION 13.** *And be it further enacted as aforesaid,* That the said commissioners shall appoint some discreet and judicious citizen, a resident of Newport, town bailiff. The said

**Powers.**      bailiff shall have all the powers and authority, within the limits of said town, of a constable of the State of Delaware in and for New Castle county as to the cognizance of all breaches of the peace and other offenses within said town, and shall hold his office subject to the option of the commissioners, and his fees and emoluments shall be the same as those of a constable for like services, provided that he shall not serve any civil process except to carry out the provisions of this act. It shall be the duty of the said alderman, commissioners, and bailiff, or of any justice of the peace and constable of New Castle county residing in said town, to

**Term of office.**      suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes, or alleys of the said town, or in any house situated therein, after night, or on the Sabbath day, or at any other time or

**Fees.**      season whatever, and for this purpose it shall be the duty of said bailiff, or any constable, upon the requisition of the alderman, or of any one of the said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending, and to carry him or them before said alderman or any justice of the peace resident in the said town, and upon conviction before the said alderman, or justice of the peace as aforesaid (whose duty it shall be to hear and determine the case), the said alderman or justice of the peace shall sentence any such person or persons so convicted to pay a fine not exceeding ten dollars, and commit the party to the public jail of New Castle county for any period not more than five days, or until said fine and the costs be paid. It shall be the duty of the said alderman, or justice of the peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said bailiff, or constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial.

**Proviso.**

**Riots, etc.**

**Duty of bailiff to arrest offenders.**

**Fine. Commitment.**

**Warrant.**

**To extinguish bonfires, etc.**      **SECTION 14.** *And be it further enacted as aforesaid,* That it shall be the duty of the said alderman, commissioners, bailiff, or justice of the peace, to suppress, extinguish and prevent all bonfires on the public square or in any of the streets, lanes, or alleys of the said town, and to suppress or prevent the firing of guns, pistols, or the letting off of fire-

**Firing of guns.**



## OF CITIES AND TOWNS.

Money of  
the town.  
How used.

SECTION 17. *And be it further enacted,* That the commissioners, or a majority of them, shall have authority to use the money in the treasury of the town for the general improvement, benefit and ornament of the said town as they, or a majority of them, may deem advisable, but no money shall be paid out by the treasurer except upon the written order of the commissioners, or a majority of them.

Penalty for  
failure of  
officers to  
perform  
duties.

How  
recovered.

When elec-  
tion of offi-  
cers void.  
Duty of com-  
missioners.

SECTION 18. *And be it further enacted,* That if any commissioner, assessor, or treasurer, after being duly elected, shall neglect or refuse to perform the duties of such commissioner, assessor, or treasurer, he shall forfeit and pay, for the use of said town, the sum of ten dollars, and the same shall be recovered before any justice of the peace for New Castle county, with costs. Any commissioner, treasurer, or assessor failing or neglecting to become qualified for the duties of his office on or before the first annual meeting in May shall be passed by and his election declared void. And it shall be the duty of the commissioners of the said town annually, on the third Saturday of March next ensuing their election, to make annually, or each and every year, a complete statement of the financial condition of the treasury of said town, stating what moneys have been received, and whether such moneys have been disbursed, posting such statement in some public place in said town for the information of the citizens thereof.

Duty of  
treasurer to  
collect taxes

Delinquents

SECTION 19. *And be it further enacted,* That the said treasurer, on receiving the said list of tax, adjusted and corrected as hereinbefore provided, shall proceed to collect from the persons therein named the several sums of which they respectively stand assessed, and all sums so assessed and remaining unpaid after the first day of August, in any year, shall be collected with ten per centum additional. The commissioners may allow such delinquents as they, or a majority of them, may think proper.

Tax not to  
exceed \$500.

SECTION 20. *And be it further enacted,* That the amount of tax levied in each and every year by said commissioners shall not exceed five hundred dollars.

Public act.

SECTION 21. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

*Passed at Dover, April 7, 1873.*

*Amended April 10, 1883.*



## OF CITIES AND TOWNS.

within the town, and generally they shall have all the powers which by any law of this State are conferred on the commissioners of the town of Dover.

Commissioners. Term of office.	SECTION 3. <i>Be it further enacted as aforesaid,</i> That the commissioners herein named shall continue in office until the first Wednesday in March, A. D. 1884, on which day in that year, and on the same day in every year thereafter, there shall be held an election in the said town of Laurel, at the Academy therein, from the hour of two till the hour of four o'clock P. M., for five commissioners, who shall be residents of said town and freeholders therein. The said election shall be held by two persons chosen by the persons entitled to vote present, who shall receive the ballots, ascertain the result, and certify the same in the books of the commissioners. At such election every male taxable of said town above the age of twenty-one years, and who shall have paid the town tax last assessed to him, shall be entitled to vote. The persons aforesaid holding the election shall be the judges of said election, and shall decide on the legality of the votes offered. Which said commissioners shall hold their office for the term of one year, or until their successors are elected; and if any vacancies shall occur in said board of commissioners, by death, resignation, refusal to serve, or otherwise, of any member thereof, the remaining commissioners shall have the power to fill such vacancy or vacancies.
Election. When and where held. Qualifications.	
Certificates of elections. Who entitled to vote.	
Judges.	
Vacancies. How filled.	
Stated meetings. When held.	SECTION 4. <i>Be it further enacted as aforesaid,</i> That there shall be four stated meetings in every year of the said commissioners, viz: on the last Wednesday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps, and for all other matters relating to the said town, its police, improvements, ornaments and general welfare as said commissioners may deem proper; <i>provided</i> the same be not repugnant to the constitution and laws of this State and of the United States. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection. Also the commissioners shall have authority to call special meetings of the commissioners whenever they may deem such meetings necessary; and at such meetings they shall have the right to transact any business that they may have
Powers and duties of commissioners in relation to streets, &c.	
Proviso.	
May impose fines, etc.	
Special meetings.	





## OF CITIES AND TOWNS.

and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the commissioners shall give five days public notice of the fact, and they will sit together at a certain place and on a certain day, to be designated by them, from one till four o'clock in the afternoon, to hear appeals from said assessments. They shall have power on such day to add to or decrease any assessment except that of dogs and poll, which shall always remain at the figures above stated. When the appeal day is past, they shall, without delay, cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid and pay over the whole amount, deducting commissions and delinquencies (which shall be allowed by the commissioners), to the treasurer by the first day of September next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law on the collectors of county taxes. *Provided, however,* that in making said assessment for the town of Laurel that all machinery in any manufactory now in said town, or that may hereafter be erected, shall be exempted from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.

**SECTION 6.** *And be it further enacted as aforesaid,* That the commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town as they may deem advisable, and all money paid out by the treasurer shall be paid upon the order of the commissioners, or a majority of them. *Provided* that said commissioners shall have no authority to create debts on said town to a greater amount than they are authorized [to raise] by taxation and collect from the county.

**SECTION 7.** *Be it enacted as aforesaid,* That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning the property fronting upon them, who, and who alone, shall bear the expense of making the pavements or other improvements ordered. If such ordinance be not complied with, in three months, the commissioners may procure the materials and work to be found and done and collect the expense of the same, on ten days notice by advertisement at three of the most public places in said town, out



## OF CITIES AND TOWNS.

in the month of February, and oftener and at such other times as the said commissioners may require. The treasurer, clerk and assessor of said town shall each receive a reasonable compensation for their services to be determined by the commissioners of said town; *provided* the compensation of the said treasurer as such shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Compensation to town officers.

Proviso.

Rate of compensation.

Alderman. When and how chosen.

Qualification.

Term.

Removal.

Sworn or affirmed.

SECTION 10. *Be it further enacted as aforesaid*, That the town commissioners, at their first meeting, or as soon thereafter as convenient, shall, annually, proceed to elect, by ballot, some suitable person, resident in said town, to be alderman of the town of Laurel, who may or may not be a justice of the peace resident of said town, to serve as such for the term of one year or until his successor shall be duly elected, subject however to be removed from office at any time by a vote of two-thirds of all the members of the board of town commissioners. Before entering upon the duties of his office he shall be sworn, or affirmed, by the president of the board of commissioners, or by any one of the commissioners, to perform the duties of his office honestly, faithfully and diligently, and all the provisions of Sections 3 and 4 of the act to incorporate the town of Milton, passed at Dover, March 3d, A. D. 1881, shall apply to and are hereby extended and applied to the said alderman of the town of Laurel.

Town constables.

Removal.

SECTION 11. *Be it further enacted as aforesaid*, That the commissioners of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Sussex county residing in said town, shall constitute the town police. The commissioners of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

Town clerk. His record evidence.

SECTION 12. *Be it further enacted as aforesaid*, That the commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the commissioners, and the same shall be evidence.

Duties of alderman and constable.

SECTION 13. *Be it further enacted as aforesaid*, That it shall be the duty of the alderman of said town, and of the



## OF CITIES AND TOWNS.

mitted as is allowed by the Levy Court for board of prisoners.  
*Provido.* *Provided* the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Laurel. And in all cases of fees for the alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to justices of the peace and constables in like cases.

SECTION 14. *Be it further enacted*, That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 13, 1883.*

## CHAPTER 194.

## OF CITIES AND TOWNS.

AN ACT to amend an act entitled "A supplement to an act entitled 'An act to reincorporate the Town of Dover,'" passed at Dover, February 27th, 1879.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

Chapter 495, SECTION 1. That the following be added as an additional  
 Volume 16, section to Chapter 495 of Volume 16 of the Laws of Delaware:

amended by  
 adding a  
 section.  
 One kind of  
 material to  
 be used on  
 streets.

Council to  
 elect in mat-  
 ter of paving  
 streets.

"SECTION 4. *Provided, however*, that in making the improvement on any of the streets contemplated by the act to which this is an amendment, the same kind of material shall be used on any one street from one end to the other, so that there shall be a uniformity in the class of material used; *and provided further*, that the town council may elect to pave with stone, macadamize, or shell with oyster shells any street, or portion of a street, notwithstanding the petitioners may have designated in their petition the particular kind of material to be used."

*Passed at Dover, April 18, 1883.*



## OF CITIES AND TOWNS.

## CHAPTER 196.

## OF CITIES AND TOWNS.

A SUPPLEMENT to an act entitled "An act to amend an act to incorporate the Town of Newport," passed at Dover, April 7, 1873, as amended April 10th, 1883.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Chapter 196  
of current  
volume  
amended.

SECTION 1. That the last seven\* words of Section 1 of the amended act, passed April 10th, 1883, viz: the words "the town tax last assessed to him," be stricken out and the following words inserted in lieu thereof, viz: "a town tax for the year previous to said election."

*Passed at Dover, April 19, 1883.*

## CHAPTER 197.

## OF CITIES AND TOWNS.

A Further Supplement to the act entitled "An act in relation to the Town of Smyrna," passed at Dover, February 25, 1859.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

Authority to  
borrow not  
exceeding  
\$20,000.

Purpose.

May issue  
bonds.  
Rate of in-  
terest. Pay-  
able semi-  
annually.

SECTION 1. That the "Commissioners of the Town of Smyrna" shall have power and authority under and by virtue of an ordinance to be passed by the said commissioners (two-thirds thereof concurring), on the faith of the said town of Smyrna, to borrow a sum of money not exceeding twenty thousand (\$20,000) dollars, and which shall be appropriated, applied and expended for the purpose of supplying the said town with water. Said commissioners shall also have authority to issue bonds therefor at a rate of interest not exceeding six per cent. per annum, in such amounts as they may deem best, payable semi-annually; the principal of

\*So enrolled





## OF CITIES AND TOWNS.

## CHAPTER 198.

## OF CITIES AND TOWNS.

AN ACT to amend an act entitled "A supplement to the act entitled 'An act to incorporate the Town of St. Georges,' passed at Dover, March 6, 1877."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

Chapter 108,  
Volume 16,  
amended.

Duty of  
road com-  
missioners in  
respect to  
road taxes.

SECTION 1. That the act entitled "A supplement to the act entitled 'An act to incorporate the town of St. Georges,' passed at Dover, March 6, 1877," be and the same is hereby amended by striking out of Section 4 thereof the words following, viz: "That the road commissioners of Red Lion hundred be and they are hereby directed to make an apportionment of the road tax of said hundred amounting to the sum of two hundred and fifty dollars (\$250), for each and every year, to be paid to the council of St. Georges," and substituting in lieu thereof the following words, to wit: "That the road commissioners of Red Lion hundred be and they are hereby directed to pay the whole of the road taxes assessed and collected in the town of St. Georges for each and every year to the council of the town of St. Georges."

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

*Passed at Dover, April 20, 1883.*



## OF THE CITY OF WILMINGTON.

## CHAPTER 200.

## OF THE CITY OF WILMINGTON.

**AN ACT** authorizing "The Mayor and Council of Wilmington" to Borrow Twenty Thousand Dollars.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

<p>Authority to borrow \$20,000.</p>	<p><b>SECTION 1.</b> That "The Mayor and Council of Wilmington" shall have power and authority and are hereby authorized, under an ordinance of the council to be passed with the concurrence of two-thirds of all the members thereof for the time being, to borrow, upon the faith and credit of the city, the sum of twenty thousand dollars, to be</p>
<p>How applied</p>	<p>applied and expended under the direction of the Board of Public Education in Wilmington, in building and furnishing</p>
<p>Object of loan.</p>	<p>additional school houses in the said city. The money borrowed under the provisions of this act being intended to pay to the said Board of Public Education a balance of twenty thousand dollars now due to the said board of moneys borrowed under the provisions of an act entitled "A further supplement to the act for the benefit of public schools in Wilmington," passed at Dover, April 8th, A. D. 1881.</p>
<p>Certificates of indebtedness.</p>	<p><b>SECTION 2.</b> The Mayor and Council of Wilmington shall have power to issue certificates of indebtedness to secure the repayment of the said twenty thousand dollars, and such certificates of indebtedness shall be made payable, with the interest thereon, in two equal installments; and the council</p>
<p>Annual appropriations.</p>	<p>of Wilmington shall, in making the annual appropriations, include therein any portion or installments of said certificates of indebtedness with the interest due thereon, which may be payable in the fiscal year for which such appropriations are made. The first installment shall be payable on the first day of August, A. D. 1883, and the second installment thereof</p>
<p>When payable.</p>	<p>shall be payable on the first day of August, A. D. 1884.</p>

*Passed at Dover, February 12, 1883.*



## OF THE CITY OF WILMINGTON.

Annual ap- shall, in making its annual appropriations for any of the  
 propriations to include fiscal years in which any of the above series of bonds shall  
 sufficient to fall due, include in said appropriations a sum of money suf-  
 redeem bonds due. ficient for the redemption of the same and any interest that  
 may be due.

Purposes of  
 loan.

SECTION 3. The money borrowed under the provisions of this act shall be used only for the purchase of water rights in the south long race in said city, contracted for at that price by the city council of said city.

*Passed at Dover, April 3, 1883.*

## CHAPTER 202.

## OF THE CITY OF WILMINGTON.

AN ACT to authorize the Council of Wilmington to sell and convey certain Real Estate in the said city.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring):*

Authority to  
 convey cer-  
 tain real  
 estate.

SECTION 1. That the Mayor and Council of Wilmington shall have power and authority and are hereby authorized under an ordinance of council to be passed with the concurrence of two-thirds of all the members thereof for the time being, to sell and convey in fee all that portion of the real estate belonging to the said city lying and being between Twelfth and Thirteenth and Orange and Tatnall streets in said city. Such sale may be either for cash or upon a credit, to be secured by the bond and mortgage of the purchaser or purchasers, and such real estate may be sold either in the entirety or by parcels as council may in such ordinance direct.

Terms.

Proceeds of  
 sale. How  
 applied.

SECTION 2. The proceeds of the sale of said real estate shall be used to purchase other sand lots for the use of the said City of Wilmington, and the City Council is hereby authorized to make such purchase and to take the title to the same in fee simple. Any surplus which may remain unex-

Title.



## OF THE CITY OF WILMINGTON.

## CHAPTER 204.

## OF THE CITY OF WILMINGTON.

AN ACT to provide for Public Parks for the use of the Citizens of Wilmington and its vicinity.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

**SECTION 1.** That the Mayor and Council of Wilmington shall have power to take and acquire lands, either by deed or devise, and to receive and accept all donations of money by gift or legacy, for the purpose of providing and maintaining one or more open places or parks for the promotion of the health and recreation of the people of the City of Wilmington and its vicinity; and that lands within the corporate limits of the said city, or within two miles from the boundaries thereof, may be purchased or acquired by, and conveyed or devised to, and the title to and ownership of said lands be vested in the said The Mayor and Council of Wilmington for the purposes aforesaid.

**SECTION 2.** That William P. Bancroft, George H. Bates, Thomas F. Bayard, Edward Betts, Francis N. Buck, George W. Bush, William M. Canby, Joseph L. Carpenter, Jr., Henry A. DuPont, J. Taylor Gause, and their successors, who shall be appointed as hereinafter provided, together with the Mayor of the City of Wilmington, the President, and the Chairman of the Finance Committee, of the City Council, and the Chief Engineer of the Surveying Department of said city, for the time being, are hereby created and constituted a Board of Park Commissioners. The said mayor, president, chairman, and chief engineer shall be *ex-officio* members of the said board. The said commissioners shall organize on or before the first day of January, 1884, by the election of a president, who shall be a member, and of a secretary and treasurer, who may or may not be members of the board, and shall immediately proceed to classify the first ten commissioners above named as follows: two of said commissioners shall be selected by lot to serve until the expiration of one year; two to serve until the expiration of two years; two to serve until the expiration of three years; two to serve until the expiration of four years; and two to serve until the expiration of five years from the

May acquire  
real estate,  
etc. Object.

Title. How  
vested.

Board of  
park com-  
missioners.

Organiza-  
tion.  
Election of  
officers.

Terms of  
commis-  
sioners.





## OF THE CITY OF WILMINGTON.

Council shall include in its annual estimates sums for park purposes.

**SECTION 4.** That the City Council of Wilmington shall in the next estimate of the probable revenue and expenses of the city made after the passage of this act, and in every year thereafter, cause to be included in the said estimate such sum as they may deem necessary and expedient for the improvement, management and care of any park which may have been acquired by the said The Mayor and Council of Wilmington, to be used and laid out by the said commissioners under the authority of this act, and every sum so estimated for the use of such park, as aforesaid, shall be appropriated by the council and paid over to the Board of Park Commissioners.

Appropriation. To whom paid.

Council authorized to purchase lands.

Condemnation proceedings.

Purchase money, how paid.

Proviso.

**SECTION 5.** Whenever a majority of the said board of commissioners shall recommend to the city council the purchase or acquisition of any land for the purpose of opening a public park, or for the extension of the area of any park which shall have been theretofore laid out and opened for public use, the council shall have power to provide by ordinance for such purchase, and if The Mayor and Council of Wilmington shall be unable to amicably agree with the owner or owners of any land which may have been selected by the commissioners for the purpose aforesaid, then so much of said land as may be required, and which shall be adequately described, may be taken for said purpose in the same manner and subject to the same conditions and proceedings as are prescribed for condemning and taking land for the purpose of extending, widening, laying out, or opening streets in the said city. And any sum of money which may be agreed upon or assessed as the value of the land aforesaid, or any portion thereof the payment of which shall not have been provided for, shall be included in the next annual estimates and appropriations of the city council to be made thereafter. *Provided* that nothing contained in this act shall authorize the condemnation of any water rights; *and provided further*, that the amount appropriated by the city council in any one year for the payment of land purchased or condemned under this section shall not exceed the sum of ten thousand dollars, and that the city council shall have power to borrow said sum by note or bond, if necessary, in anticipation of the annual estimates and appropriations.

Jurisdiction of mayor and council.

**SECTION 6.** That for the better preservation of the public peace and order the municipal jurisdiction of the Mayor and Council of Wilmington shall extend over and include any



## OF THE CITY OF WILMINGTON.

**Removal.** refuse or neglect to serve as a commissioner, he may be removed and his place declared vacant by a vote of two-thirds of all the members of the said board.

*Passed at Dover, March 13, 1883.*

## CHAPTER 205.

## OF THE CITY OF WILMINGTON.

**AN ACT** to establish a Board of Water Commissioners for the City of Wilmington, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:*

**Rights and powers of the board of water commissioners.**

**SECTION 1.** The City of Wilmington is hereby authorized, through the agency of a Board of Water Commissioners hereby created, constituted and appointed, and their successors in office, to take, convey into and throughout said city the water of the Brandywine river, from any point on said river, or other wholesome water, and may also acquire and hold lands, real estate, or personal property necessary for constructing aqueducts, laying pipe, constructing reservoirs, erecting buildings and machinery proper for the said works, and for purifying, conducting, storing and distributing such water, and to purchase, take and hold lands and water rights for supplying the citizens with good and wholesome water.

**Commissioners.**

**SECTION 2.** That William T. Porter, Caesar A. Rodney and Lewis Paynter, of the City of Wilmington and State of Delaware, are hereby appointed and constituted a Board of Water Commissioners for the said city under this act, with full powers to act as such for the term of two, four and six years, as hereinafter specified, respectively, or until their successors shall be duly appointed. At the first meeting after the passage of this act said commissioners shall determine their terms by lot, and shall certify the result in duplicate to the city council and to the Recorder of Deeds for New Castle county. The said certificate shall be recorded by the said

**Terms of office.**



## OF THE CITY OF WILMINGTON.

Salaries of  
commissioners.Privileges in  
construction  
of aqueducts  
and control  
of water  
supply, etc.Present ordi-  
nances in  
effect.Officers of  
water de-  
partment.

Books.

Duties of  
board.

SECTION 4. The said Board of Water Commissioners shall be paid for their services from the passage of this act, yearly salaries as follows, viz: To each, the annual sum of three hundred dollars (\$300), payable quarterly. The said city may, by the agency aforesaid, construct any aqueduct over or under any water course, street, road, or railroad, in such manner as not necessarily to obstruct travel thereon, and may enter upon and dig up any such street, road, or railroad, for the purpose of laying down pipes beneath the surface, and for repairing the same, and in general, do all things necessary and proper for carrying this act into effect. The said Board of Water Commissioners shall have control of all matters relating to water supply in the City of Wilmington, of the management and direction of the water works now existing or hereafter to be constructed in connection therewith; shall have charge and supervision of all the mains, stop-cocks and fire hydrants and other fixtures appertaining to the distribution of water through the city, and of the collection of all revenue due, or to become due, to the City of Wilmington for water, or accruing to the said city on account of the water works thereof, in virtue of any ordinances now existing, or of any rules and regulations hereafter to be passed by said board.

SECTION 5. The ordinances of said city now in force, relating thereto, shall continue in force until the same are changed, in whole or in part, by the said board of commissioners, and all officers of the water department of said city shall be, from the time of the organization of said board of commissioners, under and subject to the control of said board; and the terms of office of all the said officers are hereby made subject to termination at the pleasure of said board, and all such officers shall continue to perform the duties now devolved upon them by the ordinances of said city until the board shall otherwise direct; and all books, accounts and property connected with the water department of said city, or any office therein, shall be used and disposed of according to the directions of said board.

The said board shall keep, or cause to be kept, a full and true account, in suitable books, of all permits issued for the use of water, and all money received on account of the use of the water, according to the provisions of any ordinance of the city now in force, or of any rules or regulations hereafter to be passed by said board, and for all labor performed or materials or supplies furnished.



## OF THE CITY OF WILMINGTON.

as aforesaid, shall be liable to pay to the City of Wilmington any damage that may be occasioned to said city by such failure.

Duties of  
city auditor.

SECTION 9. The City Auditor shall examine all bills against said board, and indorse them as correct before they are presented to said board for payment. He shall also examine and countersign all drafts or orders, and withhold his signature in case the draft or order is made without sanction of law, or with any circumstances of fraud actually or presumably attached thereto, in all of which cases he shall report his action and the grounds therefor to the Board of Water Commissioners at its ensuing meeting. The board shall thereupon, duly, carefully and publicly consider the case, and shall sustain or overrule his action by a unanimous vote of all the members of said board, whereupon it shall be the duty of the city auditor, in case he shall be overruled, to countersign the said draft or order, in which case he shall be exonerated from all responsibility in the premises. He shall also keep a book or books in which an exact and complete record of all accounts so paid shall be entered, keeping a debtor and credit account with all persons doing work for or furnishing goods to the said board in any manner.

Report.

Duties of  
board.

Books of  
auditor.  
How kept.

Charges for  
water.

SECTION 10. The said Board of Water Commissioners shall have the right to charge the City of Wilmington with all water furnished each fire hydrant at the rate of forty dollars per annum, or the city shall, in lieu thereof, pay to the water commissioners a sum of money as may be agreed upon by city council and said board, provided that in no case shall the city pay less than twenty thousand dollars per annum.

Malfeasance  
of members.

SECTION 11. If any member of said Board of Water Commissioners, or any officer of said board, shall, at any time, apply to his own use any of the money which may come to his hands or under his control by virtue of this act, or which, being a part of the revenue for the use of the water furnished by said works, or the proceeds of the sale of the bonds by this act authorized, shall in any way come to his hands or under the control of any such member or officer, the person so offending, and his sureties, shall forfeit and pay to the City of Wilmington a sum of money which shall be two-fold greater than the sum of money so applied to the use of the offender, to be recovered by action on his official bond, or otherwise, as the case may be.

Forfeit.

How re-  
covered.





## OF THE CITY OF WILMINGTON.

Proviso. revenue sufficient at least to pay the interest on the water bonds and the running expenses of the water works; *provided* that in no case shall a dwelling house having one hydrant in the yard or kitchen, or both, be charged more than five dollars; and the whole net income, rents and receipts of said water works in excess of what may be necessary for completing, constructing, operating and repairing the water works, for extending the water pipes, and for interest on water bonds, shall be set apart by the said board and solely appropriated to and for the payment of the principal and interest of the water bonds, and shall be applied solely to that purpose until the whole of said bonds be fully paid. The city council shall, during the month of December in each and every year, notify the Board of Water Commissioners of the amount of interest due and payable during the ensuing year on all loans created for the benefit of the water works, stating the time when due and the amount of interest payable. The Board of Water Commissioners shall pay to the city the amount of interest due in each year, such payment to be made at least ten days before said interest is payable to the holders of any water loans.

Duties of council.

SECTION 15. This act shall take effect from its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

*Passed at Dover, April 18, 1883.*

## CHAPTER 206.

## OF THE CITY OF WILMINGTON.

AN ACT for the Protection of the Harbor of Wilmington and the Improvement of the Navigation of the Waters thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

Commissioners.

SECTION 1. That William T. Porter, Franklin B. Colton, George W. Bush, George A. LeMaistre and Washington Jones be and they are hereby constituted and appointed



## OF THE CITY OF WILMINGTON.

peace residing therein, and certificates thereof shall be annexed to the return of said commissioners and be recorded therewith.

**Return duplicate.** **SECTION 4.** The said commissioners, as soon as conveniently may be after adjusting, determining and establishing such lines as aforesaid, shall make return of their proceedings in the premises, in duplicate, under their hands, or the hands of a majority of them, to the Council of Wilmington, together with duplicate plots, showing, distinctly, the said lines, with such courses, distances and landmarks as they may have adopted for ascertaining the same. And the said council shall, thereupon, cause one of said returns and plots to be filed and preserved in the office of the Chief Engineer of said city, and the other of said returns and plots to be filed, preserved and recorded in the office of the Recorder of Deeds in and for New Castle county, and the said duplicate returns and plots, respectively, and the record thereof, as well as duly certified copies of the same, or of the record thereof, shall be competent evidence for all purposes.

**Duplicate plots.**

**Where filed and recorded**

**Evidence.**

**Vacancies. How filled.** **SECTION 5.** The acts of a majority of said commissioners shall be valid as the acts of all of them; and any vacancy occurring in said commission, by death, resignation, or otherwise, shall be filled by the remaining commissioners. The Council of Wilmington shall fix the compensation of said commissioners, and provide for the payment of the same.

**Compensation. How paid.** The compensation of the engineer, surveyor, and other persons employed by said commissioners in the execution of their duties under this act shall be fixed by said commissioners, and provision for the payment of the same, as well as for the other necessary expenses of said commission, shall be made by the council of Wilmington, from time to time, upon certificates by said commissioners.

**No wharf, pier, etc., allowed within certain limits.** **SECTION 6.** From and after the making of said return by the said commissioners to the said council as aforesaid, no person shall erect, place, or maintain in the tideway of said rivers, or either of them, within the limits aforesaid, any wharf, pier, bulkhead, or other structure, or obstruction, beyond the lines established and determined by said commissioners in and by their return as aforesaid. *Provided, however,* that the establishment and determination of any such line or lines by said commissioners as aforesaid shall not render unlawful the maintenance of any wharf, pier, bulk-

**Proviso.**



## OF THE CITY OF WILMINGTON.

direction of the Port Wardens of the City of Wilmington, and further, that he levy and make of the goods and chattels, lands and tenements of the defendant the costs and expense of such abatement by said sheriff. *Provided, however,* that nothing herein contained shall be construed to limit or qualify the power of the Chancellor to restrain, by injunction, the erecting, placing or maintaining, in the tideway of the said rivers, or either of them, within the limits aforesaid, any wharf, platform, pier, bulkhead, or other structure or obstruction, or any culvert, or sluiceway, contrary to the provisions of this act.

Proviso.  
Jurisdiction  
of chancellor

SECTION 10. Nothing herein contained shall be taken or construed to prevent the Council of Wilmington from constructing and maintaining proper sluices, culverts and waterways, for the drainage of said city, or to prevent the present public drains or gutters from being emptied into the aforesaid rivers, or either of them, or to prevent the construction or maintenance of sluiceways or waterways for the drainage of marsh or low lands on said rivers.

SECTION 11. Nothing hereinbefore contained shall be construed to alter or change any of the wharf-lines established on either of said rivers, within the limits aforesaid, pursuant to any former act or acts of the General Assembly, until the return of the said commissioners shall be made as hereinbefore provided.

Present  
wharf lines.

SECTION 12. If any person shall willfully break, pluck up, remove or deface any post, stone, or other landmark which may be fixed, set, established, or adopted by said commissioners or port wardens under the provisions of this act, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars, nor more than five hundred dollars. *Provided* nevertheless, that the council of Wilmington may, in any proper case, in its judgment, upon written application, by ordinance, accord to any person the right to remove any such post, stone or other land-mark, upon such terms and conditions as shall be prescribed in such ordinance, and as shall preserve the certainty of, and the means of ascertaining, the lines which may be established or adopted pursuant to the provisions of this act.

Willful interference  
with land  
marks misdemeanor.

Proviso.

SECTION 13. The Council of Wilmington shall, at its third stated meeting in June next, elect, by ballot, a Board of Port Wardens, consisting of five members, to hold office

Election of  
port wardens



## OF THE CITY OF WILMINGTON.

**Fees.** such license and the other to said board, to be filed and preserved in the office of the Chief Engineer of said city. The said Chief Engineer shall receive for his services as aforesaid a fee of ten dollars, to be paid by the person receiving such license.

**Limits of water front. How determined.** **SECTION 15.** The breadth of water front appertaining to the land of each proprietor, or owner, on the banks, or shores, of said rivers, within the limits aforesaid, shall be determined by protracting the lines of such land to the line established by law as the limit to which wharves or other structures may be built, whenever such protraction of said lines will not result in giving to the said owner more, or to any other riparian owner less than his proportionate share of frontage on said wharf-line. But in case of conflict between riparian owners, arising from the divergence or convergence of the lines of their lauds, or the lines of any public street when the same shall be protracted as aforesaid, the said Board of Port Wardens are hereby authorized and empowered to settle and determine the lines and bounds of said owners within the tideway of said rivers, or either of them, and the frontage of said owners respectively on said wharf-line; and said board shall thereupon make report in writing of their determination in the premises, with a plot of the lines and frontage so established by them, and file such report and plot in the office of the Chief Engineer of said city, and the same, or a certified copy thereof, shall be competent evidence for all purposes. In the performance of their duties under this section, said board may call to their assistance the Chief Engineer of said city, or any other competent engineer or surveyor, who shall receive for his services, in the premises, such compensation as shall be fixed by said board, to be paid by the persons between whom such conflict shall have arisen, or either of them, as said board may direct.

**Powers of port wardens**

**Report and plot.**

**Where filed.**

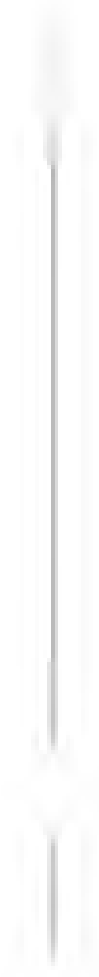
**Evidence.**

**Surveyor. Compensation.**

**Further powers.** **SECTION 16.** The said Board of Port Wardens shall have full power and authority to direct the mooring of ships and vessels in the harbor, and the position in which they shall lie at the wharves and docks, and the anchoring of ships and vessels in the Brandywine and Christiana rivers within the limits aforesaid, and to make, ordain and publish such rules and regulations in respect to the matters aforesaid as they shall deem fitting and proper, with penalties for the breach thereof; *provided*, that such rules and regulations shall not be contrary to the constitution and laws of the United

**Proviso.**





## OF THE CITY OF WILMINGTON.

which may be agreed upon as the value of such land or structure, or assessed as damages by reason of the taking of the same as aforesaid, as well as the cost of dredging, removing, or taking away such land or structure as aforesaid, shall be included in the next annual estimates and appropriations of the said council to be made thereafter; *provided* that the whole amount appropriated by the said council in any one year for the payment of land or structures, purchased or condemned, and for the cost of dredging, removing, or taking away such land or structure as aforesaid, shall not exceed the sum of fifteen thousand dollars, and that the said council shall have power to borrow such sum or any part thereof, on note or bond, if necessary, in anticipation of said annual estimates and appropriations. When by proceedings under this section it shall become necessary to establish any new wharf-line or lines, the said Board of Port Wardens shall have power and authority to establish such new line or lines, and upon the acquisition or condemnation of any land or structure by such proceedings, and the establishment by said Port Wardens of such new line or lines, it shall be the duty of the said Port Wardens to make return, in duplicate, of their proceedings in the establishment of such new line or lines, under their hands or the hands of a majority of them, to the said council, with duplicate plots, showing, distinctly, such new line or lines, with such courses, distances and landmarks as they may have adopted for ascertaining the same, and said returns and plots shall be filed, preserved and recorded, as provided in Section four, of this act in reference to the returns of the aforesaid commissioners, and the said duplicate returns and plots respectively, and the records thereof, as well as duly certified copies of the same, or of the record thereof, shall be competent evidence for all purposes. The compensation of the said Chief Engineer, or such other engineer or surveyor as may be employed by said Board of Port Wardens, in execution of their duties under this section, shall be fixed by said board, and provision for the payment of the same, as well as for the other necessary expenses of said board in the performance of their duties under this act, shall be made by said council.

Election of  
harbor-  
master.

SECTION 19. The said Council of Wilmington shall, at its second stated meeting in July next, and annually thereafter, elect a Harbor-Master, who shall be nominated by the said Board of Port Wardens. Before entering upon the duties of his office he shall be sworn or affirmed faithfully and impar-

Oath.



## OF THE CITY OF WILMINGTON.

## CHAPTER 207.

## OF THE CITY OF WILMINGTON.

**AN ACT** to Revise and Consolidate the Statutes relating to the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

## LIMITS AND CORPORATE POWERS.

**CITY LIMITS.** SECTION I. The City of Wilmington shall be bounded as follows, viz: Beginning at the Delaware river at a point one thousand (1000) yards eastwardly from a stone set in the middle of the westerly bank of said river, in a line with the northerly side of Thirteenth street extended; thence by a line forming an extension of said street without any change of course thereof to the easterly side of the Brandywine creek; thence along the same about one and a quarter miles to the old ford above the head of tide-water, and continuing along said side of said creek about thirty-three hundred (3300) feet, or until it reaches a point sixty-nine hundred and sixty-eight (6968) feet (measured at right angles) from the northerly side of Front street extended, westwardly; thence north fifty-eight degrees west, and parallel with Front street to a line intersecting Front street at right angles at the distance of twenty-three hundred and thirty (2330) feet westerly from the center of Broome street; thence along said line south thirty-two degrees west and parallel with Market street sixty-nine hundred and sixty-eight (6968) feet to the northerly side of Front street extended, twenty-three hundred and thirty (2330) feet westerly from the center of Broome street; thence continuing the same course over Front street to a point sixteen hundred and ninety (1690) feet from the southerly side thereof; thence south fifty-eight degrees east and parallel with Front street to the northerly side of the Christiana turnpike road; thence by a line running southerly and at right angles to said turnpike to a marked stone set in the bank at the southerly side of Christiana river; thence easterly parallel with Front street to the Delaware river aforesaid to a point therein one thousand yards from a marked stone set in the middle of the western bank of said river, and thence thereby northerly to the place of beginning; extended as follows, viz: by a



## OF THE CITY OF WILMINGTON.

be impleaded, answer and be answered, defend and be defended, in all courts of law and equity or any other place whatsoever, and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and generally to have all the privileges and franchises incident to a corporation or body politic.

## CITY OFFICERS.

**City officers.** SECTION 3. The city officers shall be a Mayor, a Council to be composed of two members from each ward of said city, a President of said council who shall be *ex officio* a member and the presiding officer of said council, a Treasurer, an Auditor, a Solicitor, a High Constable, two Assessors who shall also be Collectors, one Inspector and two assistant Inspectors of election for each election district, and such other officers as the council by ordinance shall create and appoint.

**Eligibility.** SECTION 4. No person shall be eligible to any office who it not, at his election, a citizen of the state and a resident of the city. The mayor must have resided in the city two years next before his election. A member of council must also have resided in the city two years before his election, and must additionally be, at the time of his election, a resident in the ward in which he is elected and a freeholder in the city.

**Clergymen ineligible.** No ordained clergyman, or ordained minister of the gospel, of any denomination, shall be eligible to any office established under or by virtue of this act.

**Oath of office.** SECTION 5. Every officer of said city, before he enters upon the duties of his office, shall take an oath, or affirmation, to support the Constitution of the United States, and the Constitution of the State of Delaware, and that he will perform the duties of the office to which he has been elected, or appointed, with fidelity.

**By whom administered** The oath or affirmation may be administered by any holding-over member of council to the president-elect, who, after being sworn or affirmed, may administer the oath or affirmation to new members of the city council, and in case of his absence the same may be administered by the president *pro tempore*.

## MAYOR.

**Mayor's election.** SECTION 6. At the city election to be held on the first Saturday in June, A. D. 1885, and on the same day in every



## OF THE CITY OF WILMINGTON.

**Elections.**  
**When held.**

member of council out of the ward for which he was elected, the council shall make temporary appointments to supply such vacancies until the same can be filled by election under the provisions of this act. Such election shall be for the unexpired term of such officer, and shall take place at the first city election occurring more than nine days after the commencement of such vacancy, unless such vacancy shall occur in the last year of the term of said officer, in which case the temporary appointment of council shall be for the unexpired term of said officer, and until his successor shall be duly elected and qualified. The provisions of this section shall apply to any elective office to which a person who has been elected thereto shall be found ineligible, or shall fail to give bond for the faithful performance of the duties of his office (when such bond is required by law) before the time fixed for entering upon the duties of his office.

**Seal.**

SECTION 12. The seal now used as the seal of office of the said mayor shall continue to be used as such until the same shall be changed, altered, or renewed by the council.

**Removal of mayor.**

SECTION 13. The mayor may be removed by a vote of two-thirds of the whole council after a fair and impartial trial upon which he shall by such trial be found guilty of the charge or charges preferred against him. The reasons for the removal shall be entered on the journal.

## MUNICIPAL COURT.

**Municipal court.**

SECTION 14. From and after the first day of June, A. D. 1883, there shall be and is hereby established within the said city a court of record and of law which shall be known by the name, style and title of "The Municipal Court for the City of Wilmington," and it shall be the duty of the Governor, before the first day of June aforesaid, to appoint and commission a city judge, who shall have power and authority to hold and keep said Court of Record. No person shall be eligible to the office of City Judge unless he be a man learned in the law and of at least seven years standing as a practising attorney in the Superior Court of this State. The city judge shall hold his office for the term of twelve years, unless sooner removed by the General Assembly. Upon his appointment he shall take the oath of office prescribed by Article VIII of the Constitution of this State. The terms of said court shall commence on the first Monday in each and every month and may be continued by adjournment as may be required. It

**Governor to appoint city judge.**

**Eligibility.**

**Oath of office.**

**Terms of court.**





## OF THE CITY OF WILMINGTON.

properly execute the same shall be punishable as a contempt of said court. Whenever any person shall be brought before any justice of the peace, or before the city judge sitting as a committing magistrate, charged with the commission of any of the offenses enumerated in the fifteenth section of Article VI of the Constitution of this State within the limits of the City of Wilmington, it shall be the duty of every such justice, and of the city judge sitting as aforesaid, to bind the person so charged, with sufficient surety for his appearance at the next term of the said municipal court, and if he do not give such surety, shall commit him for trial by such court. Such justice, and the city judge sitting as aforesaid, shall also bind material witnesses for their appearance without surety, unless he believes the witness will not appear and that the loss of his testimony ought not to be risked, in which case he may require surety and may commit the witness if it be not given.

Mode of  
trial.

SECTION 16. Prosecutions in the said municipal court shall be by information, without indictment by grand jury or trial by petit jury.

Solicitor  
prosecuting  
officer.

SECTION 17. The solicitor of said corporation for the time being shall be *ex officio* the prosecuting officer in the said municipal court, provided that the Attorney-General of the State shall have the right to prosecute in person, or by his deputy; and there shall be taxed for the appearance of said city solicitor a fee of two dollars, payable into the city treasury as provided in Section 27.

Appearance  
fee.

Clerk of mu-  
nicipal court

Duties

Shall give  
bond.

SECTION 18. The city judge shall appoint a suitable person to act as clerk of the said municipal court, who shall hold his said office of clerk at the pleasure of the said judge. The said clerk shall have care of the records of said court and the records of all proceedings had before said city judge, and he shall receive all fees, fines and costs arising out of any proceedings had in said court, or before said judge, and shall pay the same over as is hereinafter prescribed by law. He shall, within ten days after his appointment, give bond with sufficient surety or sureties to be approved by the said city judge in the sum of three thousand dollars to faithfully execute all the duties of the said office during his continuance therein, and in default of so doing the said city judge shall proceed to make a new appointment to said office.

Witness fees

SECTION 19. The fee for the attendance of a witness in said court, provided the witness is an inhabitant of said city,



## OF THE CITY OF WILMINGTON.

against whom the information is filed to enter into a recognizance to the State of Delaware to appear in the said Court of General Sessions, at the next term thereof, and plead to the said information.

Court may  
commit.  
When.

Right of  
appeal.

Surety.

SECTION 23. Upon failure of a defendant to satisfy any judgment which may be rendered by the municipal court against him for the violation of a city ordinance, it shall be within the discretion of the municipal court to commit the defendant to the custody of the high constable until the judgment shall be fully satisfied; but any person so committed may, within three days thereafter, appeal from any judgment so rendered against him to the Superior Court for New Castle county. Such person appealing shall enter into recognizance with sufficient surety in such sum as the said municipal court shall determine, conditioned for the due prosecution of the appeal and for the payment of any judgment which may be rendered in said court against the appellant or his executors or administrators. The filing of a transcript, modes of trial, and forms of proceeding shall be as in cases of appeal from the judgments of justices of the peace.

Seals of  
court and  
city judge.

SECTION 24. The said city judge shall, immediately upon his appointment, procure, or cause to be procured, a seal for said municipal court, and a further seal as city judge, with suitable designs; and said seals shall be the seal of said court and the seal of the said city judge respectively until altered or renewed by the council, at the request, in writing, of said city judge. The cost of procuring the said seals shall be paid by the council when certified to be correct by the said city judge.

Witness fees.  
How paid.

SECTION 25. All fees for the attendances for the prosecution in any criminal case or proceeding had in the said municipal court in which it shall be determined by the said court that the said case or proceeding ought to be dismissed as against the defendant therein, shall be paid out of the city treasury; *provided* that nothing in this section shall authorize the payment of witness fees to any person who shall at the same time be a high or other city constable. The payment of such fees shall be by a warrant of the clerk of said court, directed to the city treasurer, setting out the case in which and the person to whom such fee is due, and such warrant



## OF THE CITY OF WILMINGTON.

Contents. of all fines, costs, charges and fees by this act made payable into the city treasury and in his hands, which statement shall be approved by the city auditor. Upon such approval the said clerk shall forthwith pay into the hands of the city treasurer all such fines, fees, costs and charges in his hands.

Payment to city treasurer.

Judge may take acknowledgment, etc. SECTION 28. The said judge of the municipal court shall also have power to take and certify under his hand and the seal of the municipal court, acknowledgments of deeds, mortgages, and letters of attorney, and the private examinations of married women parties to such deeds and mortgages, in like manner as a notary public may do; for which duty there shall be charged a fee of seventy-five cents, and no more, whether there be one or more parties to the deed, and such fees shall be paid to the clerk for the use of the city.

Fee.

## COUNCIL.

Council. How composed. Term of office. President. SECTION 29. The council shall consist of twenty-two members to be elected for two years, so that there shall be two members of council from each ward, and in addition thereto there shall be a president of council, who shall be elected biennially by a plurality of all the votes cast in the several wards. The president of council shall be the presiding officer and a member of the said council. To the end that eleven members of council shall be chosen annually in regular order, besides supplying vacancies, the following rule shall be observed in the election of members of council, viz: At the annual election in June, A. D. 1883, there shall be elected, in each of the wards of the city, one member of council to hold office for the term of two years, and at the election annually thereafter, in each ward, one member of council for two years, besides the election for the city at large of the president of council, who shall be elected at the city election occurring in June A. D. 1884 and biennially thereafter, the present president of council and the present members of council respectively holding their several offices during their respective terms as is now provided by law. The above provisions shall be taken and construed to be subject to the provisions in Section 11, preceding.

Election of members.

Rule.

Meetings. SECTION 30. The council shall hold a meeting for organization annually on the Tuesday evening next ensuing the annual city election, and shall further meet at least once in every month at such time or times and place as it shall appoint. Special meetings may be called by the mayor upon

Special meetings. How called.



## OF THE CITY OF WILMINGTON.

Docks. Wharves. Cordage of wood and bark. Party walls. Markets. Prevention of adulteration of milk. Inspectors of provisions lumber, hay. Measuring and weighing coal, lime, etc. Gunpowder. Levy fines on keepers of dogs, etc. General powers.

tioneers; for cleaning docks and regulating wharves of the city; also to regulate public amusements; to fix and declare the weight of bread and size of brick; to regulate the cordage of wood and bark, and to determine what may be esteemed merchantable; to appoint wood-corders and establish their fees; to regulate party walls; to provide for the safety of the citizens, and for that purpose may prescribe the height, thickness of walls and material of buildings and the mode of erecting the same within said city, and for providing for and securing the safety of the inmates thereof, and may make provision for the enforcement of such regulations; to erect market houses, and to provide for and regulate markets; to provide against the adulteration of milk and cream sold or brought to be sold in the said city, and to provide for the proper inspection of the same; to provide for the proper lighting of the streets, squares, lanes and alleys of said city, and in its discretion to provide for the payment of the expenses thereof; to regulate the sweeping of chimneys and establish the rate therefor; to appoint gaugers, inspectors of salted provisions, and inspectors and measurers of lumber, and to establish their fees; to provide for the weighing of hay, and for the measuring or weighing of coal, lime, grain, or any other matter sold in the said city; to regulate the storage of gunpowder or any other dangerously combustible matter. They shall have power to lay and collect fines on the owners or harborers of any dog or hog which may be found at large in any of the streets, lanes, or alleys of the city aforesaid, and in general shall have power to do all those matters and things for the well being of the said city which shall not be in contravention of any existing laws of this State or the constitution thereof. Every bill which, after the passage of this act, shall have passed the council, shall, before it becomes an ordinance of said city, be presented to the mayor of said city. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the council, who shall enter the objections at large on their journal and proceed to reconsider it. If after such consideration two-thirds of all the members of the council shall agree to pass the bill, and it shall be so passed, it shall become an ordinance of said city. If any bill shall not be returned to the council by the said mayor within ten days (Sundays excepted) after the same shall have been presented to him, the same shall become an ordinance in like manner as if he had signed it. In all such cases the votes of council shall be determined by yeas and nays, and the names of the persons voting for and against





## OF THE CITY OF WILMINGTON.

with the aggregate amount paid out of the city treasury during said week and the balance remaining therein at the time of making said statement. If the city treasurer shall pay any money out of the city treasury contrary to the provisions of this act, he shall forfeit and pay to the corporation, for every such offense, a fine of five hundred dollars, and he and his sureties shall be liable to the city upon his official obligation for any money so paid out by him.

Penalty.

Fine.

Sureties.

SECTION 36. The city treasurer shall perform such other duties as are hereinafter prescribed by this act, or by such ordinance or ordinances as council shall from time to time enact, and which are not inconsistent with the provisions of this act. The council may enforce by suitable penalties any duties enjoined by this act or by such ordinance or ordinances aforesaid, except where penalties are provided by this act.

## CITY AUDITOR.

SECTION 37. At the third stated meeting in June, A. D. 1884, and on the same day in every third year thereafter, council shall elect a person to discharge the duties of city auditor. The city auditor shall hold office for the term of three years, commencing on the first day of July after his election. The present city auditor shall hold office until the first day of July, A. D. 1884.

Election of  
city auditor.

Term.

Bond.

Return to  
city treas-  
urer, and  
payment of  
moneys re-  
ceived.

SECTION 38. The city auditor, before entering upon the duties of his office, shall, with sufficient surety or sureties, become bound to the city by a joint or several obligation, to be, with surety or sureties therein, approved by the finance committee, with a condition therein for the faithful performance of his duty; and shall, so often as the council shall direct, make return to the city treasurer, under oath or affirmation, of each item of the moneys received by him, and immediately pay the amount in his hands to the city treasurer.

Duties of  
Auditor  
defined.

SECTION 39. The duties of the city auditor shall be such as are prescribed by this act, or as the council shall, by ordinance not inconsistent with the provisions of this act, from time to time prescribe, and council may enforce the same by suitable penalties. Among his other duties the city auditor shall examine all bills against the city and indorse them as correct before they are presented to council



## OF THE CITY OF WILMINGTON.

**Duties and powers.** stable and other city constables, and shall have the power to supply by new appointments all vacancies that may occur in said office of constable, and may, in his discretion, remove or suspend any constable from office. The number of city constables, so to be appointed, shall be defined by ordinance. The high constable, and the other city constables shall assist the mayor in carrying into effect the ordinances of the city, and shall perform all such duties as may be prescribed by act of the General Assembly, or by the ordinances of the city. They shall possess like powers within the county of New Castle as are possessed by the constables of the county.

**Qualifications.** SECTION 43. No person shall be appointed, or after the passage of this act continued, a city constable who is not a citizen of the United States, or who has been convicted of crime, or who cannot read and write understandingly in the English language, or who shall not have resided within the State at least one year preceding his appointment. Nor shall any person be appointed such constable, except upon the certificate of the physicians who shall be for the time being members of the board of health, or a majority of them, that he has been found upon examination to be physically sound and is in their judgment qualified to discharge the duties of the office, that his weight is not less than one hundred and thirty pounds, and that his height is not less than five feet four inches.

**Appointment of patrolmen.** SECTION 44. The mayor may appoint, and cause to be sworn in, any number of patrolmen to do duty at any place in the city designated by and at the charge and expense of the person or persons who may ask for such appointment, and may change or remove them at pleasure. They shall be subject to and obey the orders, rules and regulations governing city constables, and conform to the general discipline and special regulations of the police department.

**Special constables. When appointed. Duties and powers.** SECTION 45. The mayor may, upon any emergency, or apprehension of riot or mob, take command of the police force and appoint as many special constables as he may deem advisable. During their service the special appointees shall possess the powers and perform the duties of other city constables, and shall receive such compensation as shall be authorized by the mayor, not exceeding that of the officers of the regular force performing corresponding duties. The



## OF THE CITY OF WILMINGTON.

President of Council—Two hundred dollars;  
 Clerk of City Council—Fifteen hundred dollars;\*  
 City Solicitor—Twelve hundred dollars;\*  
 City Treasurer—Twelve hundred dollars;  
 City Auditor—Twelve hundred dollars;\*  
 Chief Engineer of the City—Two thousand dollars;\*  
 Clerk of Municipal Court—Six hundred dollars;  
 Each Member of Board of Health—One hundred dollars;  
 Each Executive Officer of Board of Health—Five hundred dollars;\*

Registrar of Deaths, Births and Marriages—Eight hundred dollars;

Member of Board of Assessment, Revision and Appeals—Three hundred dollars;

High Constable—Twelve hundred dollars;

City Constables, each—Seven hundred and twenty dollars;

Member of Council—\$1 for each meeting of council, and fifty cents for each committee meeting he shall attend, and the chairman of each committee shall keep a record book in which he shall enter the attendance of all members of the committee of which he is chairman, and report the same monthly to the clerk of the council.

Not to be increased or decreased during term of officer.

Proviso.

The salaries of officers of the city, other than those above designated, shall be established by ordinance; but the council shall not have power to augment or reduce the salary of any officer for and during the period for which he shall have been elected or appointed; *provided*, that with respect to any person who may be in office at the time of the passage of this act, the council may, if the sum herein named shall be deemed by said council inadequate as compensation for the duties herein or hereafter imposed upon any officer, increase any of said salaries by ordinance passed prior to the first day of September next ensuing the passage of this act.

No additional fees allowed.

No officer whose salary is fixed by this act, or by ordinance of said council, shall receive any fees or emoluments in addition thereto, except such fees as are provided in this act; but all fees or emoluments pertaining to said offices, except as aforesaid, shall be paid monthly by the persons receiving the same to the city treasurer for the use of the city, taking his receipt therefor, which sum so received shall be reported to the council by said treasurer at the next stated meeting of council after the receipt thereof. *Provided however*, that whenever any city official is called by city business outside

\*Amendments—Chapter 209, current volume.



## OF THE CITY OF WILMINGTON.

southerly through the middle of Adams street to the point of intersection with the middle of Maryland avenue, and having for its general southerly boundary a line commencing at the point of intersection of the middle of Adams street with the middle of Maryland avenue; thence along the middle of Maryland avenue to its intersection with the middle of West Liberty street extended, southeasterly to its intersection with the middle of Washington street extended southerly;

Fourth. The Fourth Ward shall consist of all that part of the said city lying and being east of Market street and between Third street and Sixth street;

Fifth. The Fifth Ward shall consist of all that part of the said city lying and being west of Market street and between Sixth street and Ninth street;

Sixth. The Sixth Ward shall consist of all that part of the said city lying and being east of Market street and west of Poplar street, between Sixth street and Brandywine river;

Seventh. The Seventh Ward shall consist of all that part of the said city lying and being west of Market street and between Ninth street and the northerly boundary line of the said city as established by an act of the General Assembly, passed at Dover, March 7th, A. D. 1861;

Eighth. The Eighth Ward shall consist of all that part of the said city lying and being east of Poplar street and between Sixth street and the Brandywine river;

Ninth. The Ninth Ward shall consist of all that part of the said city lying and being north of the northerly boundary line established as aforesaid;

Tenth. The Tenth Ward shall consist of all that part of the said city lying and being west of Adams street and bounded on the north by Sixth street, and on the south by Linden street;

Eleventh. The Eleventh Ward shall consist of all that part of the said city lying and being within the following boundary lines, to wit: Beginning at the intersection of the middle of Linden street with the westerly city line; thence along the middle of Linden street easterly to its intersection with the middle of Maryland avenue; thence along the middle of Maryland avenue northeasterly to its intersection with the middle of West Liberty street; thence southeasterly along the middle of West Liberty street extended to its intersection with Washington street extended southerly; thence southerly along the middle of Washington street extended to its intersection with the present southerly city line; thence by the said southerly city line northwesterly to its intersection with the center of the main roadway or tracks of the Philadelphia, Wilmington





## OF THE CITY OF WILMINGTON.

- Fourteenth. All that portion of the Sixth Ward lying and being north of Eighth street and south of Tenth street shall form the Fourteenth Election District;
- Fifteenth. All that portion of the Sixth Ward lying and being north of Tenth street shall form the Fifteenth Election District;
- Sixteenth. All that portion of the Seventh Ward east of Franklin street and south of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Sixteenth Election District;
- Seventeenth. All that portion of the Seventh Ward lying and being east of Franklin street and north of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Seventeenth Election District;
- Eighteenth. All that portion of the Seventh Ward lying and being west of Franklin street shall form the Eighteenth Election District;
- Nineteenth. All that portion of the Eighth Ward lying and being south of Eighth street shall form the Nineteenth Election District;
- Twentieth. All that portion of the Eighth Ward lying and being north of Eighth street and south of Tenth street shall form the Twentieth Election District;
- Twenty-first. All that portion of the Eighth Ward lying and being north of Tenth street shall form the Twenty-first Election District;
- Twenty-second. All that portion of the Ninth Ward lying and being east of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-second Election District;
- Twenty-third. All that portion of the Ninth Ward lying and being west of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-third Election District;
- Twenty-fourth. All that portion of the Tenth Ward lying and being north of Second street shall form the Twenty-fourth Election District;
- Twenty-fifth. All that portion of the Tenth Ward lying and being south of Second street shall form the Twenty-fifth Election District;
- Twenty-sixth. The Eleventh Ward, as at present defined and bounded, shall form the Twenty-sixth Election District.

Whenever a street is mentioned as a boundary in this section, the centre line or middle thereof shall be understood.



## OF THE CITY OF WILMINGTON.

- Nineteenth. In the Nineteenth Election District, at the house situated on the northwest corner of Sixth and Church streets;
- Twentieth. In the Twentieth Election District, at the house situated on the northeast corner of Eighth and Kirkwood streets;
- Twenty-first. In the Twenty-first Election District, at the house situated on the southwest corner of Eleventh and Lombard streets;
- Twenty-second. In the Twenty-second Election District, at the house situated on the southeast corner of Thirteenth and Heald streets;
- Twenty-third. In the Twenty-third Election District, at the house known as the "Brandywine Academy;"
- Twenty-fourth. In the Twenty-fourth Election District, at the house situated on the southeast corner of Third and Van Buren streets;
- Twenty-fifth. In the Twenty-fifth Election District, at the house situated on the northeast corner of Chestnut and Van Buren streets;
- Twenty-sixth. In the Twenty-sixth Election District, in the house situated at the northwest corner of Maryland avenue and Beach street.

If any of the above voting places cannot be secured, inspectors may choose place

Whenever, for any reason, any of the polling places designated above cannot be secured, the inspector and assistant inspectors, or any two of them, shall have power to choose some convenient place in the district to be used as a polling place. At the places named in this section shall be held the general election, all special elections for members of the General Assembly and representative or representatives in Congress, election for electors of president and vice-president of the United States, and elections for assessors of Wilmington hundred, and for inspectors and assistant inspectors of said districts.

What elections held.

## CITY ELECTIONS.

Elections by ballot. SECTION 52. All elections shall be by ballot, and a plurality of votes cast shall make a choice.

City elections. SECTION 53. At all city elections every male citizen of the age of twenty-one years and upwards, having resided within said city for three months next previous to the election and in the election district where he offers to vote for thirty days next preceding the election, and being otherwise qualified to vote at all State elections, and none others, shall be entitled to vote. If any person who may have had his domicile in said city shall actually remove to another place with the intention of remaining there an indefinite time as a place of domicile, he shall thereby lose his qualification of residence, notwithstanding he may entertain a floating intention to return at some future time.

Who entitled to vote.



## OF THE CITY OF WILMINGTON.

elected as inspector and assistants of election for such election district, and also showing the state of the vote for mayor, president of council, member or members of council, assessor, and city treasurer, (when they or any of them shall have been voted for according to law) setting forth, particularly, the name of every person voted for for said offices respectively, and the number of votes cast for each. The said certificate shall be sealed up by the officers making the same, as also the box containing the ballots deposited as aforesaid, and said certificate and box shall be safely delivered by the said officers, or one of them, to the clerk of the council in his office on the day following the day of election, before the hour of ten o'clock in the forenoon; and for this purpose it shall be the duty of said clerk to be present in his office from the hour of eight o'clock to the hour of ten o'clock in the forenoon of such day. In case, for any cause, the clerk of council shall fail to attend at such time and place, the president of council, and in case of his failure, the mayor for the time being, shall attend and receive, take charge of and safely keep said certificates and boxes until delivered to the clerk of council, or to the council at their next stated meeting. If in any district there be no choice of inspector, or of assistant inspectors, by reason of any two or more persons having an equal and the highest number of votes for the same office, the inspector and assistant inspectors holding such election shall so certify on their return to council, whereupon the council shall at their next meeting proceed to elect, and without unnecessary delay shall elect one of said candidates to such office for which he was a candidate. This section shall be construed subject to the provisions of Section 55, relating to assistant inspectors.

Votes and  
certificates.  
Where kept.

Tie.

Duty of  
council.

Returns ex-  
amined.

Duty of  
council in  
case of tie.

SECTION 58. The council, at their next meeting after an election as aforesaid, shall examine the returns thereof and proclaim the persons elected. If there be no choice for mayor, president of council, city treasurer, assessor, or for member of council in any of the wards by reason of two or more candidates having an equal and the highest number of votes for either of said offices, the council shall proceed to elect one of said candidates to such office for which he is a candidate.

Clerk of  
council to  
keep ballot  
boxes.

SECTION 59. The clerk of the council shall carefully keep the ballot boxes, to be delivered to him as aforesaid, for two months, subject, during that period, to the order of the city



## OF THE CITY OF WILMINGTON.

Unlawfully  
conducting  
an election.

**SECTION 61.** If at any election held under this chapter, any inspector, assistant inspector of election, or other person who shall conduct the election, shall knowingly and willfully take and receive, or advise and consent to the taking and receiving of the vote of any person not entitled to vote at such election, or shall knowingly and willfully reject, or advise and concur in rejecting the vote of a person entitled to vote at such election, or shall use any fraud, falsehood, or deceit in doing and performing any of the duties, matters, or things required of him in this act, or the ordinances of said city touching said election, or shall refuse or willfully neglect to perform any of the said duties, matters or things, every such inspector, assistant inspector, or other person, shall, for every such offense, upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, forfeit and pay to the State a fine of two hundred dollars. If any person not entitled to vote at any such election shall vote at any such election, or if any person shall vote or offer to vote more than once at any such election, or if any person shall vote in any election district in which he has not resided for thirty days next preceding such election, or if any person shall influence or attempt to influence any voter in giving his vote by any reward, gift, or benefit, or promise of favor or advantage, every such person shall, for every such offense, upon conviction thereof as aforesaid, forfeit and pay to the State a fine of fifty dollars.

Penalty.

Unlawfully  
voting or in-  
fluencing  
voters.

Penalty.

**SECTION 62.** A failure to hold an election on an election day, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until a new election can be legally held.

**SECTION 63.** Any person duly elected to an office under the provisions of this act, who shall refuse or neglect to serve in such office, shall forfeit and pay a fine of fifteen dollars. *Provided,* That no person shall be required to serve two terms in succession.

## THE FISCAL CONCERNS OF THE CITY.

Publication  
of financial  
statements.

**SECTION 64.** The council, in the month of July in each year, shall publish, for three days, in all the daily newspapers printed in the City of Wilmington, a summary of the fiscal concerns of said city for the previous year, setting forth the





## OF THE CITY OF WILMINGTON.

Extraordi-  
nary appro-  
priation.  
How paid.

SECTION 67. Whenever any extraordinary appropriation shall be made by the council, the amount so appropriated shall be paid out of the taxes, rents, or receipts of the fiscal year then current, if the same shall be sufficient; and in case the amount of any extraordinary appropriation shall be in excess of the taxes, rents, or receipts of the city for the fiscal year in which such extraordinary appropriations shall be made, such excess shall be provided for and included in the appropriations made and taxes levied for the succeeding fiscal year. To meet any extraordinary appropriation under this section, the council may temporarily borrow from the banks, or other sources, such sums as may be needed for such purpose without incurring the penalties provided for under Section 71 subsequent.

Temporary  
loan.

Appropri-  
ation to fire  
companies.

SECTION 68. In any donations or appropriations to fire companies of Wilmington by the council, the amount granted shall not exceed twenty-five hundred dollars to any one company, annually, except that said council may grant an additional sum, not exceeding two hundred dollars, annually, to the Washington Fire Company for the hook and ladder apparatus of said company.

Publication  
of appropri-  
ation ordi-  
nances.

SECTION 69. The clerk of the council shall publish, in two newspapers of the said city, a copy of the ordinances making appropriations for the year, together with the estimates for the year, immediately after such ordinances are passed, and in like manner a copy of any ordinance making additional appropriations; and for default in the performance of this duty he shall forfeit and pay a fine of fifty dollars.

Yeas and  
nays on bor-  
rowing  
money.

SECTION 70. Upon all questions before the council touching the borrowing of money, the vote shall be by ayes and noes, and shall be entered upon the journal; but the Mayor and Council of Wilmington shall not have power or authority to borrow money for any purpose whatever except in such cases as are or may be expressly authorized by law.

Extent of  
limitation in  
borrowing.

SECTION 71. The funded debt of said city shall not exceed the sum now authorized by law except as may hereafter be provided by act of the General Assembly, and the said funded debt being so limited, the Mayor and Council of Wilmington, or the Council of Wilmington, shall have no power, or authority, to borrow money, or contract or create any debt or liability, or to make any ordinance for borrowing money or contracting or creating debt or lia-



## OF THE CITY OF WILMINGTON.

**Terms of office.** terms of office of the members of the board of assessment, revision and appeals, as heretofore constituted, shall expire on the day of the first stated meeting of council in May, A. D. 1883.

**Terms of office decided by lot.** SECTION 74. The members of said board shall not be members of the council, or of the board of public education in Wilmington, or engaged in business as real estate agents. Immediately after their election the members of the said board shall draw lots for their respective terms of office; the said terms to expire in one, two and three years from the day of their election. The council shall, at its first stated meeting in the month of May, A. D. 1883, and in every year thereafter, elect from the citizens, as aforesaid, one member of the board of assessment, revision and appeals for the term of three years and until a successor is elected; *provided* that the minority of the members of said council shall always be entitled to have and elect one of the members of said board of the same political party as themselves. Should any

**Council annually to elect one member.** vacancy occur in the said board by reason of the death, resignation or refusal to serve of any person or persons so chosen, or by reason of any other cause, such vacancy shall be filled by the council for the unexpired portion of the term for which such election was or should have been made.

**Proviso.**

**Vacancies. How filled.**

**Oath of office.** SECTION 75. The said persons so chosen shall, during their term of office as aforesaid, constitute a Board of Assessment, Revision and Appeals for the City of Wilmington. They shall, before entering upon the duties of their office, take an oath or affirmation to support the Constitution of the United States, and the Constitution of the State of Delaware, and to perform the duties of the office to which they have been appointed with fidelity.

**Powers of board.** SECTION 76. The said board of assessment, revision and appeals, or a majority of them, shall determine and do any of the acts hereinafter mentioned. They shall exercise a general and supervisory power over the assessors and collectors for the city, and shall cause them to make a faithful, full, fair and complete assessment of all the property in their respective districts liable to taxation, as hereinafter provided. The said board may adopt such rules and regulations as they may deem expedient to produce fairness, equality and completeness of assessments, and shall have full power, at any time, to examine the assessments while the assessors and



## OF THE CITY OF WILMINGTON.

for public worship, real estate owned and used for charitable purposes by the associations known as the "Trustees of the Home for Friendless and Destitute Children in the City of Wilmington," "Home for Aged Women," "Sisters of Charity," and buildings owned and occupied by fire companies.

Assessment.  
How made.

The assessment of real estate shall be made according to a certain rate in and upon every hundred dollars of the estimated value of the property assessed, if sold for cash, and so *pro rata*. The real estate shall be described with sufficient

Poll tax.

particularity to be clearly identified, the principal improvements thereon, if any, to be also specified. Real estate, the owner or owners of which cannot be found or ascertained, may be assessed to "owner unknown." Every male citizen above the age of twenty-one years shall be rated for a capitation or poll-tax in addition to the assessments of his real estate, at a capital not exceeding two thousand dollars nor less than one hundred dollars.

Assessment  
delivered  
to board of  
assessment.

SECTION 81. The Assessors and Collectors shall complete the assessment for the said city in each year by the second day of January, on or before which day they shall deliver the same to the said Board of Assessment, Revision and Appeals for the City of Wilmington. The board, upon receiving such assessment, shall forthwith examine it, with power to revise, alter, or add any assessment on or before the ensuing twentieth day of January. After receiving said assessment the

Alterations.

Filed in  
clerk's office  
Notice.

board shall cause it to be filed in the office of the clerk of the council, who thereupon shall give public notice, by advertisements printed in two newspapers and posted in the most public places within the city, that such assessment, being completed, is filed in his office for public inspection, and also designating the time appointed by this act for the sitting of said board for appeals. Such notice shall be continued until the time for sitting of said board for appeals as aforesaid.

Court of ap-  
peals.

SECTION 82. On the first day of February (or if that be Sunday then on the day following) the said board shall sit to hear appeals from assessments, and shall continue to sit for that purpose for fifteen successive days, or for so long as may be necessary to adjudge appeals. Upon appeals the said board shall have power to alter any assessments and to make additional assessments, and to determine and to do whatever

Additional  
assessments.

Hearing  
appeals.

may appertain to justice and right. Appeals may be filed, in writing, in the clerk's office, or made directly to the said board. No appeal shall be received or heard, or adjudication



## OF THE CITY OF WILMINGTON.

property, or rated for capitation or poll tax, not found on the assessment list of Wilmington hundred, the said board may assess such person for personal property and rate him for such a capitation or poll tax on the school assessment as to law and right shall appertain, giving to such person due notice and opportunity to be heard.

Levying of  
city tax.

Levying of  
school tax.

Duty of  
clerk of  
council.

Bill and re-  
ceipt for  
taxes.

SECTION 84. The assessments being so settled as aforesaid, the said board shall, on or before the first day of June, lay the same before the Council of Wilmington, who shall, without delay, determine the whole amount of money necessary to be raised for the use of the city by taxation during the year of said assessment, and shall apportion such amount among the several persons and estates assessed upon the city assessment, according to a certain rate in and upon every hundred dollars of the said assessment, and so *pro rata*. The council shall also, at the same time, "include" the sum necessary to be raised for the use of the public schools of the said city by taxation during the year last aforesaid, and shall apportion such amount among the several persons and estates assessed upon the school assessment, according to a certain rate in and upon every hundred dollars of the said assessment, and so *pro rata*; and the amount so apportioned shall be collected under the provisions hereinafter contained as other city taxes, and shall constitute part of the city taxes within all the provisions of law applicable to the same. The clerk of the council shall thereupon immediately make out a correct list for each district of the city, showing the names of persons and estates assessed upon both the aforesaid assessments, with the whole amount of tax laid upon the several persons and estates under the foregoing provisions, and the said lists, with the warrant of the council to collect the taxes thereon, being signed by the president of council and countersigned by the clerk, shall be delivered to the said assessors and collectors respectively on or before the thirtieth day of June, whereupon it shall be the duty of the said assessors and collectors to forthwith collect and receive the taxes thereupon.

SECTION 85. At the request of any person paying a tax which has been assessed upon his person or property, the assessor and collector shall make out and deliver to him a bill, showing, in addition to the amount of tax, how much of it is laid upon his person and personal property as shown by the school assessment list, and how much of it is laid





## OF THE CITY OF WILMINGTON.

issued to him, bond with surety being first given as required by this act from the original assessor and collector. And thereupon such other person so appointed, and his sureties, his and their executors and administrators, shall become responsible for the uncollected taxes, subject to allowances as herein provided. Such appointment shall not discharge the sureties of the first assessor and collector from any part of their original responsibility, but all sums collected by the substituted assessor and collector shall be credited to him. All the powers, duties and liabilities of the first assessor and collector shall devolve upon the substituted assessor and collector and his executors and administrators upon final settlement with the finance committee as herein provided. The said committee shall make a just apportionment between the original assessor and collector, or his representatives, and the substituted assessor and collector of the compensation allowed for the collection of taxes.

Settlement  
with repre-  
sentatives of  
deceased  
collector.

Tax lien.

SECTION 90. All taxes for city and school purposes which may hereafter be lawfully assessed on real estate in the City of Wilmington shall constitute a prior lien thereon from their said assessment until the "thirty-first day of December in the succeeding year," and may, with all incidental costs and expenses, be levied by sale thereof as herein-after provided. The said lien shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may become charged with or liable to from and after the passing of this act. In case any dilatory or adverse legal proceedings, by or on behalf of any delinquent taxable against said assessor and collector, or against the Mayor and Council of Wilmington, should delay or prevent the collection of the tax beyond the thirty-first day of December in the succeeding year after its assessment, the lien of such tax on the real estate therein provided shall continue and be extended for a period of six months after the termination of such dilatory or adverse proceedings, or for so much thereof as may be necessary to complete the collection of said tax as provided for in Section 91 of this act.

Goods and  
chattels may  
be sold for  
taxes.

SECTION 91. If any person, assessed as aforesaid, shall neglect or refuse to pay the sum which any assessor and collector shall be required to collect from him, or any part thereof, for ten days after demand made, the said assessor and collector shall levy and make the same by distress and



## OF THE CITY OF WILMINGTON.

Superior Court after the issuing of said writ, and the court may inquire into the circumstances and regularity of the proceedings and either approve the sale or set it aside.

**Deed and title** If the court approve of said sale, the sheriff shall make a deed to the purchasers, which shall convey all interest and property in and to the real estate so sold. If the sale be set aside and the said tax be still a lien on said real estate, the court may order another sale, and so on until the tax be collected. Such disposal of the surplus proceeds of said sale shall be made by the court as may be deemed just. No sale shall be approved if the owner be ready at court to pay the taxes and costs, and no deed shall be made until the expiration of two years from the time of sale, within which time the owner or owners, his or their heirs, executors or administrators, shall have power to redeem the said real estate so sold on payment to the purchaser or purchasers, his or their heirs or assigns, of the amount of the purchase money and costs and twenty per cent. interest. Proceedings for redeeming land so sold as aforesaid shall be by petition to the said Superior Court, and the said court shall have full power to make all proper rules and orders thereon. If no such grounds, buildings, or estate be found, the assessor and collector shall take the body of such delinquent person and deliver him to the keeper of the common jail of New Castle county, to be detained in safe custody until the said tax, with costs, be paid, or such person be legally discharged.

**Redemption proceedings.** All the powers herein vested in an assessor and collector shall devolve upon and be exercised by his executors and administrators, except in cases where a substitute shall be appointed, as provided in Section 88 of this act. On the first Saturday of September, in each year, the assessors and collectors shall advertise, in two of the daily newspapers of the City of Wilmington, a full list of the persons whose taxes as aforesaid for the preceding year are at that date unpaid, together with a brief description of the real estate taxed, and shall, within two weeks thereafter, make and deliver the certificates required by this section to the solicitor for said city for all such taxes assessed on real estate as aforesaid which shall not then have been paid.

**Imprisonment for taxes.**

**Powers of collector devolved upon executor.**

**Tax lists.**

**Certificates.** SECTION 92. It shall be the duty of the said assessors and collectors, on demand and tender of fees, to furnish certificates, under their respective hands and official seals, of all such taxes which are a lien on real estate in their respective districts. The fee shall be twenty-five cents for each certifi-

**Fee.**

1

## OF THE CITY OF WILMINGTON.

Warrant of attorney. faithful assessment of his district and collection of the taxes assessed therein, and for the faithful performance of all the other duties of his office that may be prescribed by the said council, and with a warrant of attorney for the confession of judgment thereto attached. Such bonds must be given by the assessors and collectors within five days after their election.

Exemption. SECTION 98. The council shall not have power to release or exempt any person or persons who are liable to taxation from their proper share or proportion of the taxes of the city either by commutation for services, by gratuity, or otherwise.

Tax on horses, etc. SECTION 99. There may be assessed and collected by the Mayor and Council of Wilmington, for the use of the city, an annual tax upon each horse, mule, ass, or animal of the horse kind, owned or kept within the limits of the City of Wilmington, and the council shall have power by ordinance to prescribe the manner of assessing and collecting the same.

Telegraph, telephone, and electric-light poles. SECTION 100. The Mayor and Council of Wilmington shall have power and authority to levy and collect taxes upon all telegraph, telephone and electric-light poles and other erections of like character erected within the limits of the City of Wilmington, and the council may, by ordinance, prescribe the mode of levying and collecting the same. In case any of the owners or lessees of any such poles or erections erected within said city shall refuse or neglect to pay the taxes that may be levied upon such poles, the council shall have authority to cause the same to be removed and may institute suit to recover the amount of taxes so levied and the expenses incident to the removal of such poles or erections.

City bonds exempt from taxation. SECTION 101. All bonds of the City of Wilmington which have heretofore been issued, or which shall hereafter be issued under any ordinance of said city and by authority of any law of this State, shall be exempt from taxation under any law of this State, and from and after the passage of this act no county tax shall be collected from any persons holding the bonds of said city for or on account of said bonds.

## REGISTRATION OF REAL ESTATE WITHIN THE CITY.

Registration of real estate within the city. SECTION 102. The Chief Engineer of the City of Wilmington, under an ordinance and appropriation by council, shall cause to be made books of plans of the said city, divided



## OF THE CITY OF WILMINGTON.

Of clerk or  
prothono-  
tary.  
Of register  
of wills.

penalties for taking unlawful fees are recovered for the use of the said city; and it shall be the duty of every purchaser of houses and lands at judicial sales, and of every one to whom an allotment in partition shall have been made, and every devisee by will, to make return to the chief engineer of the purchase he has made, or allotment he has received, and of all devises made to him by will, with descriptions as aforesaid, which said chief engineer shall receive without charge, but if he shall not have done so simultaneously with the completion of his purchase, or on partition effected, or if on probate of any will the devisee shall not have done so, as to any houses or lands in the said city purchased, allotted or devised, it shall be the duty of the clerk or prothonotary of the proper court under whose authority such judgment or partition shall have been made, and for the register of wills, to furnish such descriptions as are above required of the the recorder of deeds, so far as the wills to be proved in his office shall enable him to do so, for the like charge and under the same penalty; and the clerk or prothonotary and register may make such charges against such purchaser or party taking in partition, or devisee, on delivery of the deed certifying proceedings in partition or granting probate of the will, and that whether the same be in trust or for any estate for life only, or otherwise, unless the party interested shall produce to him or them the certificate of the chief engineer that such duty has been performed.

Liabie for  
taxes.

SECTION 105. If neither the seller nor buyer, devisee, nor heir, or other party who has acquired title to houses and lands in the said city shall have furnished the description of the property sold as aforesaid, both he who may have parted with and he who acquired title shall be liable for the taxes thereafter assessed thereon, without right of reclamation or contribution thereof either against the other.

Violation.

SECTION 106. And should the chief engineer apprehend that conveyances, or devises, or descents of houses or lands shall have taken place without being reported to him, he shall cause search to be made therefor and perfect his book of plans; and every person found delinquent for six months after acquiring title as aforesaid in making report as aforesaid shall be liable to a fine of five dollars, to be recovered by said engineer in the name of the city as debts of that amount are by law recoverable.

Fine.





## OF THE CITY OF WILMINGTON.

the registrar. It shall be the duty of every physician who has attended any person deceased during last illness, or, in case there shall have been no attending physician, then it shall be the duty of the householder in whose family any death occurs, and in case of any inquest being had it shall be the duty of the coroner holding such inquest to make return to the said registrar of the facts of such death; such return to be in writing and to contain a full, truthful and complete statement of all such facts as may be required by the registrar, and to be filled out and written on such blank or blanks as may be furnished by the registrar. Upon the return of such certificate the said registrar shall issue a permit, signed by him, authorizing the removal for burial of the body of the person deceased; and no keeper of any hearse, or hackney coaches, or other person, shall receive, carry or convey said body from any premises, and no undertaker or other person shall remove or assist in the carrying or conveying of said body from any premises, and no sexton, undertaker or other person shall bury or assist in the burial of any body except upon the production to him or them of such certificate duly issued by the registrar. It shall be the duty of any undertaker, or other person, before they shall remove any dead body from the city, to obtain a health permit from the registrar, and to file a notice containing a full, truthful and complete statement of all such facts as may be required by the registrar, to be filled out and written on such blank or blanks as may be furnished by the registrar.

**Penalty.** SECTION III. Any person neglecting or refusing to comply with any of the provisions of the immediately preceeding three sections, and any person violating any of its provisions, shall be subject to a fine of ten dollars for every such violation or neglect or refusal, to be recovered in the municipal court of said city in the name of the registrar and paid into the city treasury.

**Registrar's seal.** SECTION II2. The registrar shall have a seal of office, and his records of deaths, births and marriages, or certified copies thereof under his hand and seal of office, shall be competent evidence in all cases. The council shall have full power to enact all ordinances in its discretion necessary and proper to effect the purposes of the immediately preceding four sections.



## OF THE CITY OF WILMINGTON.

property or ground shall be paid or tendered such damages as they shall respectively be entitled to receive, which damages shall be assessed as follows, viz: Upon the written application of the mayor, under the direction of the council, and reasonable notice to the persons interested if residing in the city, the associate judge of the Superior Court of this State, resident in New Castle county, shall issue a commission under his hand, directed to five impartial freeholders of said county, commanding them to assess the damages that may result from the extending, widening, laying out or opening of such street, square, lane or alley to the owner or owners of property or ground necessary to be taken or occupied therefor, taking into consideration all the circumstances of benefit and convenience as well as of detriment to result to such owner or owners, and to make return of their proceedings to the said judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed as in said commission shall be directed, shall view the premises, and they or a majority of them shall assess the damages aforesaid, and shall make return in writing of their proceedings in the premises to the said judge, who shall file the same in the office of the clerk of the council. The return upon one commission shall not be conclusive; but upon application by the mayor as aforesaid, or of any person interested, within fifteen days after the filing of such return, the judge shall issue a commission of review, appointing five other freeholders as aforesaid, with like instructions as were contained in the first commission; *provided* that if a review be granted upon the application of a person or persons interested, the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return to a commission of review vary in the damages assessed from the return to the original commission, the judge shall grant a second commission of review upon the application of the mayor as aforesaid, or of any person interested in the return to the commission of review, within ten days after the filing of such return. If a review be not applied for in due time, the return to the original commission shall be conclusive as to the amount of damages. If the return to any two commissions correspond as to the amount of damages, such amount shall be conclusive. But if there be more than one return and none conclusive, under the foregoing provisions, the judge shall confirm such one of them as he shall deem most just, and the return so confirmed shall be conclusive. The judge may

Application  
for commis-  
sion to assess  
damages.

Considera-  
tion of bene-  
fits and in-  
juries.

Return of  
freeholders.

Commission  
of review.

Proviso.

Second  
review.

Approval by  
judge.



## OF THE CITY OF WILMINGTON.

the circumstances of benefit and convenience as well as of detriment to result to such owner or owners) they estimate the probable entire cost of such contemplated improvement, including damages to owners of property necessary to be taken or occupied therefor, and after giving timely notice of their time and place of meeting and opportunity to persons interested residing in the city to be heard, that they make an allotment, apportionment, assessment and division of such portion as they shall deem just and reasonable of such estimated cost upon and among the persons, properties, interests and estates which will, in their judgment, or that of a majority of them, be specially benefited by such improvement, according and in proportion to the quantity and extent of such benefit, according to their best judgment. In forming such judgment all those shall be deemed specially benefited by such proposed improvement who, in the judgment of the freeholders, commissioners, may be benefited thereby beyond the value of any detriment which can occur to them thereby, or who may be benefited thereby without any detriment therefrom, and in either case beyond the benefit which inures to the citizens of said city or property owners therein generally by reason of such improvements. The commissioners having made such allotment, apportionment, assessment and division of such portion of such estimated cost, shall make return thereof to the said judge, who shall file the same, with the assessment of damages, in the office of the clerk of the council, who shall submit the same to the council for its approval or disapproval; and upon approval by the council of any assessment for benefit, the clerk of said council shall immediately enter such approved assessment in the record or lien book kept for that purpose. And the same being so recorded shall at once constitute and be evidence of a debt for that amount and in that behalf from the person assessed to the Mayor and Council of Wilmington, and shall further, from the time of its entry as aforesaid, be and remain a lien upon the lands and buildings, interest and estate in respect of which such assessment for benefit was made, and as such lien shall have priority over any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the recording of such assessment as aforesaid; and for the collection thereof, the said Mayor and Council of Wilmington may proceed as in other cases for the collection of debts, or in the manner provided for the collection of claims or liens for paving, and the provisions of the law in that behalf, both in regard to the process, notice, advertise-

Ascertain-  
ment of  
benefits.

Return and  
filing of the  
assessment.

Entry in lien  
book.

Assessment  
a lien on  
lands, etc.

Priority of  
lien.

Collection of  
liens.



## OF THE CITY OF WILMINGTON.

Council au-  
thorized to  
pave be-  
tween curbs.

Costs. How  
paid.

SECTION 118. The council are hereby authorized, in their discretion, to cause any street to be paved between the curb lines, agreeably to the true regulation of said street, under the direction of the street committee, and the cost and expense of such paving and keeping the same in good order and repair shall be paid by the city and provided for by general taxation. The provisions of this section shall not diminish, or in any way alter the liability of any person to the said "The Mayor and Council of Wilmington," or the lien upon any land or buildings for the expense of paving the beds of streets done prior to its passage.

## FOOTWAYS, GUTTERS, ETC.

Proceedings  
for paving  
and curbing  
footways  
and gutters.

Costs. How  
borne.

Entry of  
assessment.

Lien on  
lands, etc.

Priority.

Duty of city  
auditor in  
respect to  
assessment.

SECTION 119. Upon the application of fifteen freeholders residing or holding property in any street, lane or alley in said city, or if there be less than fifteen freeholders residing or holding property as aforesaid, then upon the application of a majority of such freeholders, the council are hereby authorized, in their discretion, to issue their precept, signed by the president of said council and directed to the street commissioner, commanding him to cause the footways and gutters of such street, lane or alley to be paved with bricks or stone, as the case may require, and to fix curbstones therein, agreeably to the proper ground plan and regulation of said city. The cost and expense of the paving and the curbing of the footways shall, upon the completion of such paving and curbing, be forthwith assessed by the city auditor upon all the owners of property bordering or fronting on the streets where it is so paved and curbed according to the number of feet contained in the street line of the property of such owners respectively; and he shall lay such assessment before the council at its first stated meeting after the completion of the work. If such assessment shall be approved by the council, the clerk of the council shall immediately enter the said approved assessment in a record book to be kept for that purpose, and the same being so recorded shall, from the time of its entry as aforesaid, be and remain a lien upon the lands and buildings of each of said owners fronting on such street as aforesaid to the extent of the amount of his approved assessment, and as such lien shall have priority against any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the recording of such assessment as aforesaid; and the city auditor shall forthwith present to each of said owners or other persons having charge of said property a bill for the proportion of such expense so





## OF THE CITY OF WILMINGTON.

**Footways between curbstone and building line.** any dwelling-house, office, place of business, railing, fence, stone or brick wall, or permanent structure of any kind, also in front of such vacant lots as in their discretion should be paved to the full breadth as aforesaid, and to regulate and prescribe the mode of paving footways and the material to be used therein. The space between the curb and building lines on footways where, in the discretion of the council, the owner may not be obliged to pave to a greater breadth than five feet from the curbstone, shall be covered with gravel to the depth of at least six inches and leveled in conformity with the part that is paved. *Provided, however,* that any persons owning land on any street who may desire to fix curbstones in front of their property may have the privilege of purchasing and fixing the same under the supervision of the street commissioner upon application to the city council, and the city council may grant or refuse any such application in its discretion.

**Proviso.**

**Privileges of owners.**

**Certificate of paving by street commissioner.** SECTION 122. Upon the completion of any paving or curbing as aforesaid, the street commissioner shall give to the owner of the property so curbed and paved a certificate that it has been done according to the proper ground plan and regulation of the city, and shall deliver a duplicate of such certificate to the clerk of the council, who shall record the same in a book to be kept for that purpose, and carefully file and preserve the certificate; and no owner of property to whom such certificate is thus given shall be liable for any change or error of regulation, or subsequent curbing or paving of the same property by the council, but the expense of the same shall be defrayed by the city.

**Duplicate certificate.**

**Liability for errors.**

**City regulator required to lay out gutters.** SECTION 123. The city surveyors and regulators are authorized and required to lay out proper gutters, channels and conduits for carrying off the waters in said city.

**Act to vacate Water street etc., the width of footways, etc., in force** SECTION 124. So much of an ordinance of the freemen, resident inhabitants of the borough of Wilmington, in general town meeting legally called and met, entitled "An ordinance to establish the regulation of the ascents and descents of the streets, lanes and alleys within the borough of Wilmington, and for other purposes," as the same is particularly set forth in the third section of an act of the General Assembly entitled "An act to vacate and discontinue the street called Water street in the borough of Wilmington, from Market street westwardly to the line of said borough, and



## OF THE CITY OF WILMINGTON.

When council may fix ascents and descents of streets, etc.

deemed and taken to be the true map, plan, or ground plot of said city; and all the streets, squares, lanes and alleys of the city shall be and remain as they shall be laid down upon said map, with such extensions and alterations as have been or may hereafter be made by authority of the laws of this State. The ascents and descents of all streets, lanes and alleys within the city shall be regulated and fixed conformably to said map; but the council may by ordinance (to be passed by a vote of two-thirds of all the members thereof for the time being) regulate and fix the ascents and descents of all streets, lanes and alleys within the said city the ascents and descents of which are not marked and laid down on the aforesaid map or plan.

## STEAM-POWER OR HEATING PIPES UNDER STREETS.

Steam-power or heating pipes, etc.

City may require security bond. Warrant of attorney.

SECTION 127. In case of the introduction into, through, under or along the streets of the city, with the consent of the council, of steam-power or heating pipes, or underground telegraph, telephone or electric-light wires, the council shall require, before such work shall commence, payment into the treasury of the city as a guarantee, or some other satisfactory security, that the streets shall not be unnecessarily torn up or obstructed, or kept or left out of repair, or travel unwarrantably impeded, and that the city shall be indemnified against loss, and it shall further require a bond, with personal security thereon, to "The Mayor and Council of Wilmington," with warrant of attorney for the entering judgment thereon, in such sum as the council may deem proper, conditioned to indemnify and save harmless any and all persons, inhabitants of the said city, their persons, goods, chattels, lands and tenements from loss, damage or expense, from or by reason of the introduction into the streets of the said city of such steam-power or heating pipes, or underground telegraph, telephone or electric-light wires, which bond shall be held by the said city for the use of any and all persons who may be aggrieved or suffer loss, damage or expense by reason of the premises, to be accorded to them upon petition of the person aggrieved, under such restrictions as the council may impose; and the council may, when in its judgment the public interests may so require, cause, at the expense of the parties laying or owning the same, such pipes or wires to be removed in whole or in part, or impose such restrictions upon the use thereof as it may think fit in reference to the public interests.



## OF THE CITY OF WILMINGTON.

## PUMPS.

Supervision  
of pumps  
and wells.

SECTION 130. The council shall inquire into the condition and direct the repairs of the several pumps and wells within the city; and any pump or well which remains out of repair for three months next after notice given by direction of the council to the owner or owners thereof shall become forfeited to the corporation, to be held as its property and maintained and repaired at the public charge, or abandoned, at its discretion.

## PARTY WALLS AND FENCES.

Appoint-  
ment of sur-  
veyors and  
regulators.

Regulation  
of party  
walls and  
foundations.

Using party  
wall and fix-  
ing value  
thereof.

Appeals to  
city council.

SECTION 131. The city council shall, from time to time appoint three or more discreet and skillful persons to be city surveyors and regulators, who, upon application made to them, shall enter upon any lands in order to set out the foundations and regulate the walls to be built between party and party within the said city, as to the breadth or thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party wall is to be made; and the first builder shall be reimbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall use or break into said wall, and the charge or value thereof shall be determined by the said regulators, or any two of them. Either party may appeal to the council at its next stated meeting, which shall finally adjust the matter and make such order for the payment of costs as it shall deem just.

Penalty for  
disregarding  
regulation  
of walls, etc.

SECTION 132. If any person shall begin or lay the foundation of any party wall or other building, as aforesaid, except in conformity to the provisions of the foregoing section, every such person, as well employer as master-builder, shall, for such offense, forfeit and pay a fine of fifty dollars.

Regulation  
of partition  
fences.

SECTION 133. The city surveyors and regulators, or any two of them, shall regulate all partition fences within said city; such fences shall be made in the manner generally used and kept in good repair at the equal expense of the parties, to be recoverable in the municipal court as debts of like amount are recoverable before a justice of the peace; *provided* that the costs of making the same do not exceed twenty-five dollars for every hundred feet in length, and so in proportion, unless the owners or possessors, between whom such fence is erected, otherwise agree.



## OF THE CITY OF WILMINGTON.

How com- posed. said city, which board shall consist of the port physician, two other physicians, one practical plumber and one general business man. The chief engineer of the surveying department of said city shall be *ex officio* a member of the board of health without salary as such. The said board shall appoint its own president and treasurer from among its members, and shall have power and authority to appoint two executive officers for the term of one year, who shall be

Duty of secretary. vested with like powers as city constables. The secretary of the board shall keep the minutes of the meetings of the board, and shall perform all such duties as shall be assigned to him by said board. Three members shall constitute a quorum to do business. The said mayor shall have power

Quorum.

Vacancies. to fill all vacancies in said board occurring by death or otherwise, and may remove, for sufficient cause, any member of said board which it is his duty to appoint.

General powers. SECTION 137. The said board shall be invested with all the powers and authority which the council might or could exercise relative to the object of their institution, and with

Power respecting nuisances. all powers and authority conferred and duties enjoined upon members of boards of health by the laws of the State, and by the ordinances of said city, for the preservation of the public health within said city, or within one mile thereof. And the said board of health, upon complaint that a nuisance has been created, erected or continued and is continued within said city, or within one mile of the boundaries thereof, which may prove injurious to the health of the inhabitants thereof, shall hear and determine such complaint, and if necessary view and examine the matter or thing complained of; and if the said board shall adjudge the place or thing complained of to be a nuisance, whereby the health of the inhabitants of said city is or may be injured, the said board shall give directions to cleanse, remove, abate or remedy the same to the person or persons causing or producing such nuisance, or to the owner or owners, agents, tenants or occupier of the premises whereon the said nuisance exists; and if the person or persons, owner or owners, agents, tenants, or occupant to whom such direction is given shall not observe and fulfill the same within the time therein prescribed by said board, the said board shall have power to order the said directions to be carried into effect by some officer of the board or other person to whom the service may be committed, and the expenses thereof shall be paid by the person to whom the direction was originally given; but if the same shall not be paid by said





## OF THE CITY OF WILMINGTON.

Members.	<b>SECTION 140.</b> The Board of Public Education in Wilmington shall hereafter consist of two members from each of the wards in the City of Wilmington. Said members must have
Qualifications.	been bona fide freeholders in said city during at least one month before the election qualified voters in the ward for
How chosen	which they are chosen, and they shall be chosen by ballot by
Qualification of voters at school election.	the inhabitants of the ward who shall have been assessed for and paid the school tax for the City of Wilmington for the preceding year and who shall be otherwise qualified to vote at all city elections. A plurality of votes shall elect. No
Members of council ineligible.	member of the council shall be a member of the board of public education. The board of public education shall ap-
Place of election appointed by the board.	point a place of holding the election in each ward, and give notice thereof in the different newspapers published in the City of Wilmington for ten days previous to the time of said
Notice.	election, and also give at least four days notice of it by hand-bills, under the name of the secretary of the board, posted in four or more of the most public places in the ward. The
Date and hours of election.	election of members of the board shall be held on the first Saturday of May in each and every year. The election shall be held in the afternoon, the polls opened at twelve o'clock, or within thirty minutes thereafter, and close at six o'clock.
Inspectors of election for members of board of education.	The inspector and assistant inspectors of the city election in their respective wards shall hold the election of members of the board of public education in the respective wards (in wards, however, containing two districts, the inspector and assistant inspectors residing in the district in which the polling places are situated shall hold the said election), and if they refuse, or are not at the place of election at the time of opening the polls, the voters present shall, by plurality, without ballot, choose an officer for holding the election in place of the one or more refusing or not present. The officers holding the election shall, before opening the election, each take an oath or affirmation, as follows:
Oath of inspectors.	I, ———, do solemnly swear (or affirm) that in holding the election this day for a member or members of the Board of Public Education, I will faithfully and impartially discharge my duty, and make true certificates thereof and deliver the same according to law, so help me God (or, so I solemnly affirm).
Who may administer the oath.	The inspector is authorized to administer this oath or affirmation to the assistants, and either of them to him, or to each other. Within two days after any election the certi-
Certificates of election.	cates of it shall be delivered, under the hands of the officers



## OF THE CITY OF WILMINGTON.

Separate schools. No banking powers. Quorum. By-laws. Teachers and salaries. Dismissal of teachers. Branches taught. Books used. separate and distinct from the schools provided for colored children and minors. They shall have no banking powers. Twelve members shall form a quorum. They shall have power to make by-laws, to appoint all teachers and fix the amount of their salaries, and may dismiss them at any time for incompetency, cruelty, neglect of duty, or immorality; shall direct what branches of learning shall be taught in each school and what books shall be used therein; they may prescribe and enforce such rules and conditions as they may deem proper for the admission of pupils to the school, and may suspend or expel from the schools all pupils found guilty of refractory or incorrigible conduct. They shall appoint visiting committees, make regulations, and have stated monthly meetings. The officers of the board shall be a president, who must be a member, a secretary, treasurer, and such other officers and agents as may be found necessary. The board may appoint a person not a member of the same secretary thereof, prescribe his duties, require from him bonds with surety for their faithful performance if deemed expedient, and allow him compensation for his services by stated salary or otherwise, as may be considered proper. A treasurer may be appointed, not being a member. He shall, before entering on the duties of his office, give bonds to the board in such amount as shall be determined by the board, with surety or sureties to be approved by the board, conditioned for the faithful performance of the duties of his office as treasurer. The said offices of secretary and treasurer may be united and held by one person. The said board shall, during the month of April in each year, cause to be prepared and laid before them estimates of their probable revenue and expenses for the ensuing fiscal year, which estimates they shall lay before the council on or before the first stated meeting of council in May following. At the time of presenting to council said estimates of revenue and expenses, the said board shall, if necessary, also in addition thereto present to council an estimate, not to exceed twenty thousand dollars, for the erection or extension of school houses and for furniture and heating apparatus for the same. The said board, early in June in each year, after the council shall have made the appropriation for the use of the public schools for the following fiscal year as hereinafter mentioned, shall make apportionment and appropriations for their expenditures for that year, based as nearly as may be upon the estimates made by them in April previous, and such apportionment and appropriations shall be specified and arranged

Dismissal of children.  
 Visiting committees. Officers of the board. Qualifications.  
 Secretary. Security.  
 Compensation of secretary. Qualification and bond of treasurer.  
 Annual estimates of revenue, etc.  
 Additional estimates. Limitation.  
 Annual appropriations

shall have been appropriated as aforesaid. If the treasurer of the board shall pay out of the treasury any money, or draw any order for the payment of any money contrary to this provision, he shall forfeit and pay a fine of five hundred dollars, and he and his sureties shall be liable to the board upon his official obligation for any money so paid out by him.

Liability of  
treasurer

SECTION 143. The said board shall, during the month of July in each year, cause to be published, in the daily newspapers of the City of Wilmington, a full report of their accounts and proceedings during the past year, setting forth aggregates under appropriate heads. They shall also depute one of their members to attend with and lay their accounts and vouchers before the council at the next regular meeting following such publication and also to settle with the State Auditor.

Accounts to  
be published  
and laid be-  
fore city  
council

Settlement  
with State  
Auditor

SECTION 144. The council shall, every year, when determining the amount necessary to be raised on the persons and estates in the city for public use, also include the sum necessary to be raised on the persons and estates for executing the foregoing provisions; *provided* that the amount to be raised for current school expenses as aforesaid in any one year shall be exclusive of the amount designated for the erection or extension of school houses and for furniture and heating apparatus for the same. The amount collected for school purposes shall be paid into the city treasury as other taxes are paid. At the time of making the annual appropriations for public use the council shall also make an appropriation for current school expenses equal in amount to that annually computed and laid before said council by the "Board

Amount of  
school taxes  
determined

Proviso.

Payment  
into city  
treasury.

Appropriation for cur-  
rent school  
expenses.





## OF THE CITY OF WILMINGTON.

SECTION 151. All acts or parts of acts inconsistent with or manifestly superseded and supplied by the provisions of this act are hereby repealed, except as to the provisions contained in schedule A, hereunto subjoined, which are continued in force until they shall have expired by virtue of the limitations therein contained.

SECTION 152. This act shall be deemed and taken to be a public act, and shall be construed most favorably for the corporation.

*Schedule "A," referred to in the preceding act.*

## LIMITED EXEMPTIONS FROM TAXATION.

Preamble.

WHEREAS all that portion of the Second, Eighth and Ninth Wards in the City of Wilmington, hereinafter described, is very sparsely inhabited and has very few buildings thereon erected, and derives very little, if any, benefit from being included in the limits of the city; the said portion of the Second Ward being described as follows: Beginning in the center line of the Wilmington and Western railroad on the southeasterly side of the Christiana river; thence with the center line of said railroad in a southeasterly direction to the line of the west side of French street; thence with the said side of French street in a northeasterly direction to the southwest side of the Christiana river; thence down the same and binding thereon to the westerly side of Church street; thence with the said side of Church street southwesterly to the center line of the said Wilmington and Western railroad; thence with the center line of said railroad to the easterly side of Heald street; thence with said side of Heald street southwesterly to the northeasterly side of D street; thence by the said side of D street southeasterly to the northwesterly side of Goodman street; thence by the said side of Goodman street northeasterly to the easterly side of Christiana avenue; thence by said side of said avenue to the southerly side of Commerce street; thence by said side of Commerce street easterly to the Christiana river; thence down the said Christiana river and binding thereon to its mouth at the River Delaware, and thence down the Delaware river and binding thereon in a southerly direction to the city line; thence with said city line in a northwesterly direction to the southeasterly side of the Christiana river; thence down the Christiana river and binding thereon to the place of beginning. The said portion of the Eighth Ward being described as follows: Beginning





## OF THE CITY OF WILMINGTON.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):*

Partial ex-  
emptions  
from taxa-  
tion.

*Sub. § 1.* That the Mayor and Council of Wilmington shall, by the city council, after the assessment has been made in each year for city and school purposes of the persons and estates in the said part of the Second, Sixth\* and Ninth Wards, levy and collect from the said persons and estates, taxes for both city and school purposes, in full of all taxes, at a rate not exceeding one-half of the rate levied on persons and estates in the remaining parts of said city.

*Sub. § 2.* *Be it further enacted,* That this act shall take effect from the date of its passage and continue in force until the thirty-first day of December, A. D. eighteen hundred and eighty-six, and no longer.

Certain land  
exempt for  
ten years in  
second,  
eighth, and  
tenth wards.

*Sub. § 3.* The real estate of any person or persons, or body corporate, within the limits of the portions of the Second, Eighth and Ninth Wards of the City of Wilmington, hereinafter described, upon which any manufactory or other industrial improvements for the employment of labor is now or may hereafter be erected after the passage of this act, shall be exempt for a period of ten years, after the same shall hereafter have been erected and be first assessable, from assessment and taxation for state, county or municipal purposes. The said exemption to apply only to the land occupied by such manufacturing or other industrial improvements and necessary to their operation. In the event of any question as to the quantity actually necessary for this purpose it shall be determined by the city council. The portions of said wards to be embraced within the provisions of this act are described

Second ward

as follows, to wit: In the Second Ward beginning in the center line of the Delaware Western railroad on the southeasterly side of the Christiana river; thence with the center of said railroad in a southeasterly direction to the line of the west side of French street; thence with the said side of French street in a northeasterly direction to the southwest side of the Christiana river; thence down the same and binding thereon to the westerly side of Church street; thence with the said side of Church street southwesterly to the center line of the said Delaware Western railroad; thence with the center line of said railroad to the easterly side of Heald

\*So enrolled and so in original bill.



## OF THE CITY OF WILMINGTON.

direction by the several courses of the old marsh lane to the point of its intersection with Thirteenth street; thence westerly by the middle of said Thirteenth street to its intersection with Bowers street; thence southerly by the center line of said Bowers street extended to the Brandywine creek; thence down the said creek by the said courses thereof to the Christiana river; thence down the Christiana river and binding thereon to its mouth at the river Delaware; thence up the Delaware river in a northerly direction to the city line; thence by the said city line in a westerly and southwesterly direction to the northeasterly side of the Brandywine creek, and thence down the said Brandywine creek by the several courses thereof to the place of beginning. Also beginning at the intersection of the middle of Tenth street with the Brandywine river on the westerly side of the Philadelphia, Wilmington and Baltimore railroad; thence easterly and along said Tenth street to said Philadelphia, Wilmington and Baltimore railroad; thence northeasterly and along said railroad one hundred feet to a corner; thence by a straight line easterly to the center of Tenth street at its intersection with the Brandywine creek; and thence by said creek by its several courses to the place of beginning.

That the real estate in the territory taken into the corporate limits of the City of Wilmington by virtue of the extension of the boundaries thereof by and under the provisions of an act entitled "An act to further amend the Charter of the City of Wilmington," passed at Dover, April 7, A. D. 1881, for the space of three years from and after the passage of said act, shall be subject to taxation for municipal and school purposes for the City of Wilmington at the rate of only one-third the regular tax rate levied and laid upon real estate in other portions of said city; and for the following three years thereafter at the rate of only one-half the regular tax rate levied and laid upon real estate in other portions of said city.

*Sub. § 4.* That the present officers of the City of Wilmington shall continue in office until others shall have been duly elected or appointed and qualified under and in accordance with the provisions of this act.

*Passed at Dover, April 13, 1883.*



## OF THE CITY OF WILMINGTON.

- Fourteenth.** All that portion of the Sixth Ward lying and being north of Eighth street and south of Tenth street shall form the Fourteenth Election District;
- Fifteenth.** All that portion of the Sixth Ward lying and being north of Tenth street shall form the Fifteenth Election District;
- Sixteenth.** All that portion of the Seventh Ward east of Franklin street and south of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Sixteenth Election District;
- Seventeenth.** All that portion of the Seventh Ward lying and being east of Franklin street and north of a line beginning at the intersection of Delaware avenue and Franklin street, thence along Delaware avenue easterly to its intersection with Eleventh street, and thence along Eleventh street easterly to its intersection with Market street, shall form the Seventeenth Election District;
- Eighteenth.** All that portion of the Seventh Ward lying and being west of Franklin street shall form the Eighteenth Election District;
- Nineteenth.** All that portion of the Eighth Ward lying and being south of Eighth street shall form the Nineteenth Election District;
- Twentieth.** All that portion of the Eighth Ward lying and being north of Eighth street and south of Tenth street shall form the Twentieth Election District;
- Twenty-first.** All that portion of the Eighth Ward lying and being north of Tenth street shall form the Twenty-first Election District;
- Twenty-second.** All that portion of the Ninth Ward lying and being east of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-second Election District;
- Twenty-third.** All that portion of the Ninth Ward lying and being west of Thatcher street extended southerly to the Brandywine creek or river shall form the Twenty-third Election District;
- Twenty-fourth.** All that portion of the Tenth Ward lying and being north of Second street shall form the Twenty-fourth Election District;
- Twenty-fifth.** All that portion of the Tenth Ward lying and being south of Second street shall form the Twenty-fifth Election District;
- Twenty-sixth.** The Eleventh Ward, as at present defined and bounded, shall form the Twenty-sixth Election District.

Whenever a street is mentioned as a boundary in this section, the centre line or middle thereof shall be understood.



## OF THE CITY OF WILMINGTON.

- Twentieth. In the Twentieth Election District, at the house situated on the northeast corner of Eighth and Kirkwood streets;
- Twenty-first In the Twenty-first Election District, at the house situated on the southwest corner of Eleventh and Lombard streets;
- Twenty-second. In the Twenty-second Election District, at the house situated on the southeast corner of Thirteenth and Heald streets;
- Twenty-third. In the Twenty-third Election District, at the house known as the "Brandywine Academy;"
- Twenty-fourth. In the Twenty-fourth Election District, at the house situated on the southeast corner of Third and Van Buren streets;
- Twenty-fifth In the Twenty-fifth Election District, at the house situated on the northeast corner of Chestnut and Van Buren streets;
- Twenty-sixth. In the Twenty-sixth Election District, in the house situated at the northwest corner of Maryland avenue and Beach street.

If any of the above voting places cannot be secured, inspectors may choose place

Whenever, for any reason, any of the polling places designated above cannot be secured, the inspector and assistant inspectors, or any two of them, shall have power to choose some convenient place in the district to be used as a polling place. At the places named in this section shall be held the general election, all special elections for members of the General Assembly and representative or representatives in Congress, elections for electors of president and vice-president of the United States, and elections for assessors of Wilmington hundred, and for inspectors and assistant inspectors of said districts.

When to go into operation.

SECTION 3. The city elections, to be held in June, A. D. 1883, shall be held in the election districts as heretofore constituted, and the division of the said city in the new election districts herein created shall go into operation for the first time at the city election to be held in the month of June, A. D. 1884, and thereafter all elections for city, state and county officers shall be held in the election districts and at the places in said districts as constituted by the provisions of this act.

Election of inspectors.

At the city election held in June, A. D. 1884, and annually thereafter, an inspector and two assistant inspectors for each of the election districts as herein created shall be chosen in the same manner as now prescribed by law for the election of inspectors and assistant inspectors in the election districts of said city as heretofore constituted. The inspectors and assistant inspectors for the city election to be held in June, 1884, shall be selected by the council; *provided* that in the First, Second, Eighth, Ninth, Tenth, Eighteenth and Twenty-sixth Election Districts, as created by this act, the inspec-

How chosen in certain districts below classified













## OF JUVENILE DELINQUENTS.

or children is or are disobedient and uncontrollable, to commit such child or children to the said House of Refuge to be educated, trained and treated, and to be indentured or discharged in the same manner as is provided in the first section of this act. The managers of the said House of Refuge shall have as full power and authority over the children committed to their care by this act as are granted to and exercised by the said managers over the children committed to the said House of Refuge by the Courts of Quarter Sessions of the State of Pennsylvania.

Power of managers.

SECTION 3. That the Governor shall, once in three months, draw a warrant on the State Treasurer, payable to the order of the treasurer of the said House of Refuge, for the education, support and maintenance of any child or children who may have been committed from this State under the provisions of this act for the preceding quarter. *Provided* that the charges and costs of such education, support and maintenance shall not exceed the sum of three dollars per week for each child; and that the superintendent of the said House of Refuge shall furnish the Governor with a list of the children sent from this State remaining in the House of Refuge, together with the names of those who have been placed out and with whom, or returned to their parents or guardians.

Governor shall draw a warrant on State Treasurer for support of child or children committed.

Proviso. Charges not to exceed \$3 per week for each child.

SECTION 4. That the costs and fees which may be charged by any sheriff, clerk, or other officer in the execution of this act, not already provided for by law, shall be taxed and allowed by the Court of General Sessions of the Peace, and paid in the same manner as the costs in other criminal cases.

Officers' costs taxed as in other criminal cases.

*Passed at Dover, March 9, 1883.*



## TITLE TWELFTH.

## Of Titles to Real Property.

## CHAPTER 212.

## OF CONVEYANCES.

## AN ACT concerning Acknowledgment of Deeds, &amp;c.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Acknowledgment, etc., of deeds out of the State before notary public.

Section 10, Chapter 83, Revised Code, amended.

SECTION 1. That any deed concerning lands, tenements, or hereditaments within this State, any other instrument of writing whatsoever, or any affidavit, or other statement requiring acknowledgment or proof, may be so acknowledged and proved out of this State before a notary public of any State or Territory or of the District of Columbia. The private examination of a married woman, party to such deed or instrument of writing, may be taken in like manner.

SECTION 2. All laws or parts of laws heretofore passed and inconsistent with this act are hereby repealed.

*Passed at Dover, March 7, 1883.*





## TITLE FOURTEENTH.

### Of Courts of Justice.

#### CHAPTER 214.

##### OF THE SUPERIOR COURT.

AN ACT to amend Chapter 134 of the 16th Volume of Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Chapter 134,  
Volume 16,  
amended.

Providing  
for addition-  
al terms of  
the Superior  
Court.

Trials, how  
conducted.

[SECTION 1.] That Chapter 134 of Volume 16 of Laws of Delaware be and the same is hereby amended by inserting after the word "Delivery," in the fifth line of Section 1, and in the tenth, fifteenth and nineteenth lines of the second section respectively, the words "and the Superior Court;" [also, by adding at the end of Section 1 of the act hereby amended, the words\*] "At the September terms of the Superior Court herein provided for, no case shall be tried by a jury without consent of both parties."

*Passed at Dover, April 19, 1883.*

\*The words between brackets appear in the bill as passed, but are omitted in the enrolled copy.



## OF THE ORPHANS' COURT.

## CHAPTER 216.

## OF THE COURT OF CHANCERY AND ORPHANS' COURT.

AN ACT to change the time of holding the Court of Chancery.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Terms of  
Chancery  
and Orphans  
Court.

SECTION 1. That from and after the passage of this act, in lieu of the times now fixed by law, the Court of Chancery and Orphans' Court shall commence and be held in New Castle county on the fourth Monday in March and fourth Monday in September; in Kent county on the third Monday in March and on the third Monday in September; and in Sussex county on the second Monday in March and on the first Monday in September.

SECTION 2. That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

*Passed at Dover, April 17, 1883.*

## CHAPTER 217.

## OF THE ORPHANS' COURT.

AN ACT to authorize the Clerk of the Orphans' Court in and for Kent County to transcribe the General Index to the Records of the said Orphans' Court.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Clerk of the  
Orphans'  
Court of  
Kent county  
may make  
copy of gen-  
eral index,  
and copy  
certain doc-  
uments.

SECTION 1. That the Clerk of the Orphans' Court and Register in Chancery in and for Kent county be and he is hereby authorized and directed to make, or cause to be made, a true and correct copy of the general index to the records of the said Orphans' Court, and also to record all the papers and plots relating to the business in said court and which should



## TITLE SIXTEENTH.

### Of Civil Actions in General.

#### CHAPTER 218.

##### OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

##### AN ACT to amend Chapter 106 of the Revised Statutes concerning Pleading and Practice in Civil Actions.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That Chapter 106 of the Revised Statutes, concerning pleading and practice in civil actions, be amended by adding thereto the following two sections, to wit:

Chapter 106,  
Revised  
Code amended  
by adding  
Sections 34  
and 35.

Defendant  
in civil action  
for recovery of  
money, etc.,  
may file disclaimer of  
interest in  
cause of  
action  
after declaration  
filed and before  
plea.

When  
plaintiff  
may be ordered to  
interplead  
with third  
persons.  
Rules, etc.,  
of court.

Judgment.

**SECTION 34.** The defendant in any action now pending, or which shall be brought in the Superior Court for the recovery of money, or of any goods, chattels, or the value thereof in damages, which shall have come lawfully to his hands or possession, may, at any time after the declaration filed, and before plea pleaded, by a suggestion to be filed of record, disclaim all interest in the subject matter of such action, and offer to bring the same into court, or to pay or dispose thereof as the court shall order; and if he shall also allege, under oath or affirmation, that the right thereto is claimed by or supposed to belong to some person not party to the action (naming him or them), who has sued or is expected to sue for the same, or shall show some probable matter to the court to believe that such suggestion is true, the said court may, thereupon, order the plaintiff to interplead with such third person, and make such rules and orders in the cause, and issue such process for the purpose of making such third person party to the action, and for carrying such proceeding to interplead into full and complete effect, and may render such judgment or judgments thereon as shall be agreeable to the rules and practice of the law in like cases.



## OF JURIES.

## CHAPTER 220.

## OF JURIES.

AN ACT to amend Section Eleven of Chapter 109 of the Revised Statutes of the State of Delaware, entitled "Of Juries."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 11 of  
Chapter 109,  
Revised  
Statutes,  
amended.

SECTION I. That Section Eleven of Chapter 109 of the Revised Statutes of the State of Delaware, entitled "Of Juries," be and the same hereby is amended by striking out the word "forty-eight," where it occurs in lines five and sixteen of said section, and inserting in lieu thereof the word "fifty-four."

*Passed at Dover, January 25, 1883.*

## CHAPTER 221.

## OF JURIES.

AN ACT in reference to the Competency of Jurors in Capital Cases.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Competency  
of jurors in  
capital cases

SECTION I. When a juror is called in a capital case he shall be first sworn or affirmed upon the *voir dire* and then asked, under the direction of the court, if he has formed and expressed any opinion in regard to the guilt or innocence of the prisoner at the bar. If his answer be in the negative, he shall be sworn as a juror in said case, unless he has conscientious scruples against finding a verdict of guilty in a case where the punishment is death, even if the evidence should so warrant him, or unless he shall be peremptorily challenged, challenged for cause, or excused by consent of counsel on both sides. If his answer to said question be in the affirmative, he shall be disqualified to sit in said case, unless he shall say, upon his said oath or affirmation, to the satisfaction of the court, that he feels able, notwithstanding such an opinion, to render an impartial verdict upon the law and the evidence; in which event he shall be a competent juror, if not otherwise disqualified, challenged, or excused.

When dis-  
qualified.  
Exceptions.

*Passed at Dover, January 24, 1883.*





## OF FUGITIVES FROM JUSTICE.

## CHAPTER 223.

## OF FUGITIVES FROM JUSTICE.

## AN ACT in relation to Requisitions for Fugitives from Justice.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Governor may surrender fugitive on demand of another State, or grant application for requisition on another State or territory. When.

SECTION 1. The Governor, in any case authorized by the Constitution of the United States may, on demand, deliver over to the executive authority of any other State or Territory any person charged therein with treason, felony, or other crime committed therein; and he may, on application, appoint an agent to demand of the executive authority of any other State or Territory any person charged with felony who has fled from the justice of this State; but such demand or application must be accompanied by sworn evidence that the party charged is a fugitive from justice, and that the demand or application is made in good faith for the punishment of crime and not for the purpose of collecting a debt or pecuniary mulct, or of removing the alleged fugitive to a foreign jurisdiction with a view there to serve him with civil process, and also by a duly attested copy of an indictment or an information, or a duly attested copy of a complaint made before a court or magistrate authorized to take the same; such complaint to be accompanied by an affidavit or affidavits to the facts constituting the offense charged by persons having actual knowledge thereof, and such further evidence in support thereof as the Governor may require. Fugitive convicts shall also be surrendered and demanded upon the record of their conviction, or sworn evidence, duly authenticated, satisfactory to the Governor.

Governor may require an investigation by, and opinion of the Attorney General.

SECTION 2. When such demand or application is made, the Attorney General shall, if the Governor requires it, forthwith investigate the grounds thereof and report to the Governor all the material facts which may come to his knowledge, and especially in the case of a person demanded, whether he is held in custody or is under recognizance to answer for any offense against the laws of this State, or by force of any civil process, with an opinion as to the legality and necessity of complying with the demand or application.



## OF FUGITIVES FROM JUSTICE.

Duty of examining officer.

SECTION 5. When a person is arrested in pursuance of the preceding section and brought before the officer who issued the warrant, the officer shall hear and examine such charge, and, upon proof by him adjudged to be sufficient, commit such person to the jail of the county in which such examination is had.

Notice of commitment

SECTION 6. When a person is committed to jail by a judge or justice of the peace under the preceding section, such judge or justice of the peace shall forthwith give or cause to be given notice, by letter or otherwise, to the sheriff of the county in which such offense was committed, or to the person injured by such offense, or to the person upon whose affidavit the arrest was made; and no person so committed shall be detained longer in jail than is necessary to allow a reasonable time to the persons so notified, after they receive such notice, to apply for and obtain the proper requisition for the person so committed. In all cases arising under this and the two preceding sections, bail shall be taken as in other cases.

Bail.

*Passed at Dover, March 9, 1883.*



## TITLE TWENTIETH.

### Of Crimes and Punishments.

#### CHAPTER 225.

##### OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

**AN ACT** to amend Section 2 of Chapter 127 of the Revised Statutes of the State of Delaware, entitled "Offenses against the Lives and Persons of Individuals."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 2 of  
Chapter 127,  
Revised  
Code,  
amended.

**SECTION 1.** That Section 2 of Chapter 127 of the Revised Statutes of the State of Delaware, as published in 1874, entitled "Offenses against the lives and persons of individuals," be and the same is hereby amended by striking out all of the said section between the word "court," in the fourth line thereof, and the word "and" in the fifth line thereof.

*Passed at Dover, March 9, 1883.*

#### CHAPTER 226.

##### OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

##### **AN ACT** to Punish the Procurement of Abortion.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Persons in  
any way ad-  
vertising or  
soliciting the  
procurement  
of abortion  
guilty of a  
misdemeanor.

**SECTION 1.** Every person who shall advertise, print, publish, distribute or circulate, or shall cause to be advertised, printed, published, distributed or circulated, any pamphlet, printed paper, book, newspaper, notice, advertisement, or reference, containing words or language giving or conveying



## OF OFFENSES AGAINST PRIVATE PROPERTY.

SECTION 2. That Section three of said act, be and the same is hereby amended, by striking out the word "loan" in the ninth line thereof.

*Passed at Dover, April 17, 1883.*

## CHAPTER 228.

## OF OFFENSES AGAINST PRIVATE PROPERTY.

## AN ACT for the Protection of Private Property.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful  
taking of any  
horse, etc.

Misde-  
meanor.  
Fine.

Imprison-  
ment.

SECTION 1. That if any person shall unlawfully, or without having first obtained the consent of the owner or legal proprietor thereof, take possession of, use, ride or drive off, or being in the possession thereof, either lawfully or otherwise, shall mischievously abandon, turn loose or leave upon the highway any horse, gelding, mare, colt, ass, or mule, or other property that may be the subject of larceny, every such person (where the evidence is not sufficient to convict of larceny,) shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, and shall pay all costs of search, reward and prosecution, and shall be imprisoned not exceeding one year.

Who author-  
ized to  
arrest.

Bail.

Commit-  
ment.

SECTION 2. The sheriff, any constable or other conservator of the peace, the owner or proprietor of such property, his agents or employees, or any other person or persons whom he or any of them may call to his assistance, shall have authority to arrest such offender either with or without warrant and take him before a justice of the peace or mayor of a city in the county where the offense is committed, that he may give bail with proper security for his appearance at court. If bail be not given when so required, the said justice or mayor shall, in default thereof, commit such offender to the county prison.

*Passed at Dover, March 9, 1883.*









## CONCERNING CRIMES AND PUNISHMENTS.

## CHAPTER 234.

## GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

**AN ACT to Prevent Injury to Burial Grounds and the Removal of Bodies therefrom.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Any person who shall willfully injure or remove any tombstone, etc., guilty of misdemeanor.

SECTION 1. Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, grave stone, monument or other structure placed in any cemetery or grave yard appropriated to and used for the interment of human beings within this State, or shall willfully injure, destroy, or remove any fence, railing or other work for the protection or ornament of such place of interment, or shall willfully destroy, cut, break or remove any tree, shrub or plant within the limits of said places of interment, or shall open any tomb, vault or grave within the same and clandestinely remove, or attempt to remove, any body or remains therefrom, shall be guilty of a misdemeanor, and shall, upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery in and for the county where the said offense is committed, be punished by a fine of not more than two hundred dollars and imprisoned for a term not exceeding two years, either or both, at the discretion of the court, according to the aggravation of the offense.

Fine.  
Imprisonment.

*Passed at Dover, February 27, 1883.*



## CONCERNING CRIMES AND PUNISHMENTS.

No discretion in police officers or magistrate to release.

Bail.

When person arrested may be taken before justice of the peace or city judge.

When arrest made outside of Wilmington, before whom taken.

Magistrate may hold for trial. What officers may arrest.

Power of magistrate.

Punishment of convict.

lishing the fact to the court or jury by whom he is tried. And there shall be no discretion in any police officer or magistrate to discharge or release any person who is, by such proof before them, or knowledge on their part, shown to be a thief, burglar, or pickpocket as aforesaid, but such person shall be bailed or committed for trial; and no conviction, or charge of or for being a common thief, burglar, or pickpocket, shall prevent any such person from being tried and convicted for any particular act of larceny or burglary he may have committed.

**SECTION 2.** If any person shall be arrested at any place within the limits of this State on the line of any railroad or in any of the cars or depots, or at any of the stations on said roads, or on any steamboat employed in carrying passengers over or upon the navigable waters of this State, charged with being a common thief, burglar or pickpocket, such person may be taken before any justice of the peace of the county in which said place of arrest, depot or station may be situated, unless within the City of Wilmington, and if within the said city, then before the City Judge for said city. If the arrest be made upon the cars or on any steamboat *en route* and outside of the City of Wilmington, such person may be taken before any justice of the peace of the nearest convenient county, or the City Judge for the City of Wilmington, who shall, on proof as provided in the preceeding section, commit or bail such person for trial before the Court of General Sessions of the Peace and Jail Delivery of the county. And all police officers of the City of Wilmington, special or general, all conductors of trains and police employed by any of the said railway or steamboat companies and openly distinguished as such, and all constables and bailiffs of any county town or city on the lines of any said road, shall arrest all such persons at any of the places aforesaid, on the same knowledge and proof of their being common thieves, burglars or pickpockets as provided in the preceding section, and the magistrate shall commit or bail such person on the same knowledge or proof, and any person convicted in any county on the line of said road with being a common thief, burglar or pickpocket, shall be punished by a fine and imprisonment in the jail of the county for the same time and in the same amount as provided in the preceding section, and all the provisions of the preceding section shall apply to all cases under this section except so far as modified hereby.



## MISCELLANEOUS.

### CHAPTER 236.

#### OF REVENUE.

**AN ACT** to alter and amend the act entitled "An act to Raise Revenue for State and County Purposes," passed at Dover, March 30th, 1871.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1,  
Chapter 22,  
Volume 14,  
amended.  
Certain in-  
vestments  
not liable to  
taxation.

**SECTION 1.** That from and after the passage of this act it shall not be lawful for any assessor in this State to assess, and no tax shall be levied and collected on any investments in securities or stocks of other States, or of companies incorporated by other States or by the United States, made or held by residents, firms, companies, associations of persons or corporations of this State.

*Passed at Dover, March 13, 1883.*

### CHAPTER 237.

#### OF CLAIMS AGAINST THE STATE.

**AN ACT** for the Payment of Claims against the State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

**SECTION 1.** That the State Treasurer be and he is hereby authorized to pay the following claims :

To Delawarean, printing for 1881, 1882 and 1883, in full, \$877.95; C. P. Johnson, printing in full, \$218.13; Every Evening Pub. Co., 1881-1882, \$210.09; John R. McFee,





## RESOLUTIONS.

---

### CHAPTER 238.

Joint Resolution appointing a Joint Committee to inform the Governor of the Organization of the two Houses of the General Assembly.

*Resolved*, That a joint committee be appointed, consisting of two on the part of the Senate and three on part of the House, to wait upon his Excellency, the Governor, and inform him that the two Houses of the General Assembly are organized and ready to receive any communication that he may see proper to make.

*Adopted at Dover, January 2, 1883.*

---

### CHAPTER 239.

Joint Resolution appointing a Joint Committee to draft Rules for the Government of Intercourse between the two Houses.

*Resolved by the Senate and House of Representatives in General Assembly met*, That there be a joint committee of five, two on the part of the Senate and three on the part of the House, to report rules governing the intercourse between the two Houses.

*Adopted at Dover, January 2, 1883.*



## RESOLUTIONS.

## CHAPTER 243.

**Joint Resolution appointing a Joint Committee to Examine the State Treasurer's Account.**

*Resolved*, That there be a joint committee of five appointed, two by the Senate and three by the House, to examine the State Treasurer's account.

*Adopted at Dover January 3, 1883.*

## CHAPTER 244.

**Joint Resolution convening the two Houses to open and publish the Returns of the Vote for Governor.**

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the members of the Senate and members of the House of Representatives assemble in the hall of the House of Representatives at 11 o'clock, A. M., on Tuesday next, the 9th instant, to be present at the opening and publishing, according to the Constitution of this State, of the returns of the election held in the several counties of the State on the Tuesday next after the first Monday in November last for Governor, and that two tellers be appointed, to wit: one on the part of the Senate and one on the part of the House of Representatives, to make a list of the votes as the same shall be published from said returns.

*Adopted at Dover, January 8, 1883.*













## RESOLUTIONS.

## CHAPTER 256.

Joint Resolution in relation to Increased Representation.

*Be it resolved by the Senate and House of Representatives in General Assembly met,* That the committees of both Houses on the subject of increased representation have leave to sit and act as a joint committee.

*Adopted at Dover, January 29, 1883.*

---

## CHAPTER 257.

Joint Resolution referring the Opinions of the Chancellor and Chief Justice to Committee on Increased Representation.

*Resolved,* That the opinions of the Chancellor and Chief Justice be referred to the special committee of the two Houses acting as a joint committee on increased representation.

*Adopted at Dover, January 30, 1883.*

---

## CHAPTER 258.

Joint Resolution concerning Stationery for use of Legislature.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That William Cooch be and is hereby authorized and empowered to purchase the necessary fuel and stationery for the use of the next session of the Legislature and that he is hereby directed to present his accounts and vouchers to the next Legislature at its session for allowance.

*Adopted at Dover, January 30, 1883.*



## RESOLUTIONS.

## CHAPTER 261.

**Joint Resolution granting an Audience to the Delaware State Temperance Alliance.**

*Resolved*, That the members of the Senate and House of Representatives do hereby accept the invitation of the State Temperance Alliance to meet them and hear their representations, and do hereby fix Thursday, the eighth day of February, A. D. 1883, at eight o'clock in the evening, for the purpose, to meet in the hall of the House of Representatives.

*Adopted at Dover, February 2, 1883.*

---

CHAPTER 262.

**Joint Resolutoin in relation to C. S. Pennewill.**

WHEREAS it appears by a report of the joint committee appointed to settle with C. S. Pennewill that the State is indebted to Mr. Pennewill in the sum of \$39.85; therefore

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That the State Treasurer be and he is hereby authorized and directed to pay to the said C. S. Pennewill the sum above named on his draft for the same.

*Adopted at Dover, February 5, 1883.*



## RESOLUTIONS.

heartily approve the action of our Senators and Representative in Congress if they deem it proper to support a bill for that purpose.

*And be it further resolved,* That duly authenticated copies of these resolutions be transmitted to our Senators and Representative in Congress by the Secretary of State.

*Adopted at Dover, February 7, 1883.*

## CHAPTER 264.

Joint Resolution to Reimburse the Adjutant General of this State.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be and he is hereby directed to pay to J. Parke Postles, Adjutant General of the State, the sum of four hundred and ten dollars and forty cents, being the amount expended by him in connection with the Centennial Celebration at Yorktown, Va., in excess of the amount appropriated therefor by the General Assembly, as per his account of expenditures set forth in his last semi-annual report; the payment having been recommended by Governor Hall in his message to the General Assembly.

State Treasurer to pay Adj. Gen. Postles certain expenses of Yorktown celebration.

*Adopted at Dover, February 9, 1883.*

## CHAPTER 265.

Joint Resolution concerning the Robbins Hose Company.

Preamble. WHEREAS it is represented to the General Assembly that the people of the town of Dover have, in many ways, taken steps to protect the property of the said town from loss by fire, and have, among other things, by individual contributions raised the sum of \$1,200, with which they have purchased two hose carriages and 1,000 feet of hose; and



## RESOLUTIONS.

To James Kirk & Sons, for binding three hundred copies of said Volume 16, and all charges for transportation and delivery, the sum of two hundred and fifty dollars, (\$250).

*And be it further resolved,* That the Secretary of State shall retain in his office ten copies of said Volume 16, and deliver to the following officers in each county one copy, for the use of their respective courts, viz: To the Register of Wills, Register in Chancery, Clerk of the Orphans' Court, Prothonotary, and Clerk of the Peace; and also to deliver to the Clerks of the Senate and House one copy for each member of their respective houses in the present General Assembly, and the remainder he shall equally divide between the respective counties, placing them in the hands of the Prothonotaries, who are duly authorized to sell the same at two dollars per copy, and make return thereof as the law directs.

*Adopted at Dover, February 13, 1883.*

---

CHAPTER 267.

Joint Resolution for adjournment in commemoration of Washington's Birthday.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That when the two houses adjourn on Wednesday afternoon, the 21st inst., it be to meet on Monday afternoon, the 26th inst., at 4 o'clock, P. M.

*Adopted at Dover, February 20, 1883.*













## RESOLUTIONS.

## CHAPTER 277.

## Joint Resolution relative to the Collection of State Taxes from the Farmers' Bank.

State Treasurer to suspend collection of taxes from Farmers' Bank pending certain litigation.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be and he is hereby directed not to collect from the Farmers' Bank, or any of its branches, any State taxes during the continuance of the litigation now pending in the United States Court for the District of Delaware relative to the right of this State to collect from the National Banks in this State any tax or taxes which may have been assessed against them under any laws of this State, or after it shall have been decided that the National Banks of this State are not liable for any taxes which may be assessed against them under any law in this State, in case the determination of such litigation shall be adverse to this State.

*Adopted at Dover, March 9, 1883.*

## CHAPTER 278.

## Joint Resolution in relation to Juvenile Delinquents.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Managers of the House of Refuge in the City of Philadelphia be and they are hereby requested to admit into their institution such persons, under the age of sixteen years, as may be sent to them under and by virtue of an act entitled "An act to provide for the Education and Training of Juvenile Delinquents," passed at Dover, March 9th, 1883.

*Adopted at Dover, March 13, 1883.*



## RESOLUTIONS.

## CHAPTER 281.

Joint Resolution compensating Edward Ridgely for his services as  
Chancellor *ad litem*.

## Preamble.

WHEREAS the General Assembly of this State, on the twenty-sixth day of March, A. D. 1875, adopted a joint resolution appropriating five hundred dollars out of any money in the treasury as compensation to William S. McCaulley for his services as Chancellor *ad litem* in the case of Benjamin Burton vs. George W. Willen, and directing the State Treasurer to pay to the said William S. McCaulley the said sum of five hundred dollars when and as soon as he shall have rendered his decision in said case, and not before; and whereas the said William S. McCaulley died without ever having rendered a decision in said case; and whereas, after the death of the said William S. McCaulley, John W. Hall, Esq., then Governor of this State, did appoint and commission Edward Ridgely as Chancellor *ad litem* in the said case of Benjamin Burton vs. George W. Willen; and whereas the said case was heard by and argued before the said Edward Ridgely, who rendered his final decision in said case at the March term, A. D. 1882, of the Court of Chancery of the State of Delaware in and for Sussex county; now therefore

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be and he is hereby directed to pay to Edward Ridgely, out of any moneys in the treasury not otherwise appropriated, the sum of four hundred and fifty dollars, as compensation to him for his services as Chancellor *ad litem* in the said case of Benjamin Burton vs. George W. Willen.

State Treasurer to pay  
Edward  
Ridgely, Esq.  
\$450 for services as  
Chancellor  
*ad litem*.

*Adopted at Dover, March 21, 1883.*





## RESOLUTIONS.

before granted shall cease and become of no effect and the said accrued interest shall become due and payable out of the proceeds of such sale as a part of the debt and interest secured by said mortgage.

*Adopted at Dover, March 23, 1883.*

## CHAPTER 284.

Joint Resolution to pay to Hon. John W. Houston Five Hundred Dollars remaining due to him for one hundred copies of the First Volume of Delaware Reports of Criminal Cases delivered to the State on the publication of the same, pursuant to the Statute in such case made and provided.

Preamble.

WHEREAS Hon. John W. Houston delivered to the State, by depositing in the State Library at Dover, pursuant to the statute in such case made and provided on the publication thereof, one hundred bound copies of his first volume of Delaware Reports in Criminal cases, in the month of September, in the year of our Lord one thousand eight hundred and eighty, and on the ninth day of that month received the written order of the Governor on the State Treasurer for the sum of five hundred dollars in full payment for the same, and which was afterwards duly paid to him; and whereas by the mutual mistake of both of the parties to the transaction, and their overlooking the provisions of "An act to amend Chapter 27 of the Revised Statutes of this State," passed at Dover, February 5, 1877, which provided that the same should be paid for by the State at the price of ten dollars per copy or volume, the sum then paid by the State, and so received by him for them, was but half of the price which the law had thus placed upon them, and was but half of the amount that he was legally entitled to receive therefor; therefore,

Governor  
authorized  
to draw war-  
rant to order  
of Hon. John  
W. Houston  
for \$500.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That in addition to the said sum of five hundred dollars so paid to the said Hon. John W. Houston for the said one hundred copies of his first volume of Delaware Reports of Criminal Cases on the said ninth day of September in the year of our



## RESOLUTIONS.

## CHAPTER 286.

Joint Resolution directing the State Treasurer to pay certain moneys to Charles B. Lore to meet the expenses of certain trials in the United States District Court.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer is hereby directed to pay to the order of Hon. Charles B. Lore a sum not exceeding thirteen hundred dollars, the same to be applied to the payment of the witness fees and costs for the defense of the election officers of the State of Delaware indicted (in the United States Court for the District of Delaware) tried, and not convicted for alleged violations of the Revised Statutes of the United States in their official capacity at the general election in November A. D. 1880, and the said Charles B. Lore shall furnish to the said State Treasurer the receipt of each recipient of any part of said fund, together with a certified abstract of the said witness fees and costs, under the seal of the Clerk of the District Court aforesaid. *Provided*, that no person summoned by the United States and the defense and paid by the United States, shall be again paid for the time for which the United States shall have so paid him.

Appropriation of \$1,300

Proviso.

*Adopted at Dover, March 30, 1883.*

## CHAPTER 287.

Joint Resolution in regard to the Death of the Chaplain of the House.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That out of respect to the memory of the Rev. Cyrus Huntington, both Houses of the General Assembly will meet in the hall of the House of Representatives at one o'clock, P. M., this day, to attend, in a body, the funeral of the Rev. Cyrus Huntington, late Chaplain of the House, to take place at the burial ground of the Presbyterian Church, in the town of Dover.

Resolutions of respect to the memory of late Rev. Cyrus Huntington.

*Adopted at Dover, April 18, 1883.*



## RESOLUTIONS.

## CHAPTER 291.

## Joint Resolution in relation to certain Taxes.

Preamble. WHEREAS by an act of the General Assembly, passed at Dover, April 11, 1873, the State Treasurer was directed and empowered to receive from the Philadelphia, Wilmington and Baltimore Railroad Company the sum of twenty-seven thousand dollars annually in lieu of all taxes against said company, under the act of April 8th, 1869, by equal quarterly installments; therefore

Duty of  
State Treas-  
urer relative  
to certain  
railroad  
taxes.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be and he is hereby authorized, required and directed to investigate and ascertain whether any railroad corporation or canal company has omitted the payment of any taxes, under the act last aforesaid, on capital stock and net earnings, and if so, to require statements of said taxes for said capital stock or net earnings so as aforesaid omitted to be paid to be made by all such companies forthwith, according to the requirements of the said act, covering the whole period of such arrearages.

State Treas-  
urer author-  
ized to ac-  
cept certain  
sums in full  
payment of  
taxes in  
arrear.

*Resolved further,* That when any such company shall pay for each and every year of such arrearage a sum of money which shall bear the same proportion to the said sum of twenty-seven thousand dollars that that proportion of the actual cash value of the capital stock and net earnings of the said company which is subject to tax under the act last aforesaid shall bear to that proportion of the actual cash value of the capital stock and net earnings (subject to tax under the act last aforesaid) of the Philadelphia, Wilmington and Baltimore Railroad Company for the same period, the said State Treasurer is hereby authorized, directed and empowered to accept and receive such sum in full payment of all such taxes so in arrear.

State Treas-  
urer author-  
ized to ac-  
cept commu-  
tation of  
taxes.

*Resolved further,* That when any such company shall have fully complied with and conformed to the requirements of the preceding resolve, the State Treasurer shall thereafter accept and receive from each of the said companies, by equal quarterly payments in each year, commutation of the taxes under the act of April 8th, 1869, on the basis hereinbefore stipulated. *Provided* that nothing herein contained shall

Proviso.



## RESOLUTIONS.

## CHAPTER 294.

Joint Resolution appointing a Joint Committee of two on the part of the Senate and three on the part of the House to settle with the State Treasurer, Auditor of Accounts, Secretary of State, and Clerks of the Senate and House of Representatives.

Joint committee to settle with certain officers.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a joint committee of five be appointed on the part of the General Assembly, to consist of the following two members of the Senate, viz: Wilson T. Cavender and Swithin Chandler; and the following three members of the House of Representatives, viz: Ezekiel C. Frazer, Henry M. Barlow, George W. Risler; whose duty it shall be to meet at Dover on the third Tuesday of January, 1884, for the purpose of settling the account of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Statements to be made and published.

*Resolved,* That it shall be the duty of said committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under their hands, or the hands of a majority of them, to be published in two (2) newspapers printed in the State for the space of one month from the time of effecting the same.

Power to audit accounts of clerks and Secretary of State.

*Resolved,* That said committee shall have full power and authority to audit the account of the Clerk of the Senate, and of the Clerk of the House of Representatives, for superintending the printing of the journals of the houses of the Legislature during the present session, and for making indexes thereto. Also the account of the Secretary of State for superintending the printing of the acts of the present session and for indexing the same, and make such allowance for the said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the chairman of the said committee in favor of said Clerks and said Secretary of State respectively.

Make allowances.

Compensation of committee.

*Resolved,* That the said committee shall receive the same compensation as is by law allowed to the members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the chairman of the said committee, out of any money in the hands of the said State Treasurer not other-







•

•

1



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 298.

An Act to incorporate The J. A. Cranston Company, of Newport, Delaware.

*Passed at Dover, January 23, 1883.*

---

## CHAPTER 299.

An Act to incorporate The Rehoboth Hotel Company.

*Passed at Dover, January 24, 1883.*

---

## CHAPTER 300.

An Act to incorporate the Robbins Hose Company, of Dover, Delaware.

*Passed at Dover, January 25, 1883.*

---

## CHAPTER 301.

An Act to incorporate the Journeymen Bricklayers' Protective and Beneficial Association, of Wilmington, Delaware.

*Passed at Dover, January 26, 1883.*



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 306.

An Act to incorporate The Capitol Building and Loan Association.

*Passed at Dover, January 30, 1883.*

---

## CHAPTER 307.

An Act to incorporate The Delmarvia Fertilizer Company, of Clayton, Delaware.

*Passed at Dover, January 30, 1883.*

---

## CHAPTER 308.

An Act to amend an act entitled "An act to incorporate The Jackson Lime and Marble Company," passed at Dover, March 31, 1881.

*Passed at Dover, January 30, 1883.*

---

## CHAPTER 309.

An Act to incorporate The Diamond State Organ Company.

*Passed at Dover, January 30, 1883.*



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 314.

An Act to incorporate The Ancient Order of Hibernians, Division No. 4, of the City of Wilmington, Delaware.

*Passed at Dover, February 2, 1883.*

---

## CHAPTER 315.

An Act to incorporate The Montifiore Mutual Benefit Society, of Wilmington.

*Passed at Dover, February 2, 1883.*

---

## CHAPTER 316.

An Act to incorporate the Ancient Order of Hibernians (Division No. 5), of Hockessin, Delaware.

*Passed at Dover, February 2, 1883.*

---

## CHAPTER 317.

An Act to incorporate The River Front Land Improvement Company.

*Passed at Dover, February 6, 1883.*





## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 322.

An Act to incorporate The Gazette Publishing Company.

*Passed at Dover, February 6, 1883.*

---

## CHAPTER 323.

An Act to incorporate The Hickory Grove Cemetery Company, of New Castle County, Delaware.

*Passed at Dover, February 6, 1883.*

---

## CHAPTER 324.

An Act to incorporate The National Dredging Company.

*Passed at Dover, February 6, 1883.*

---

## CHAPTER 325.

An Act to incorporate The Johnson Forge Company.

*Passed at Dover, February 7, 1883.*



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 330.

An Act to amend the act entitled "An act to incorporate The Capelle Hardware Company."

*Passed at Dover, February 13, 1883.*

---

## CHAPTER 331.

An Act to incorporate The Wilmington Market House Company.

*Passed at Dover, February 14, 1883.*

---

## CHAPTER 332.

An Act to incorporate The Wilmington Glass Company.

*Passed at Dover, February 14, 1883.*

---

## CHAPTER 333.

An Act entitled "An act to amend an act to incorporate The Laurel Grange Co-operative Store Company."

*Passed at Dover, February 15, 1883.*



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 338.

An Act to incorporate The American Union Insurance Company.

*Passed at Dover, February 28, 1883.*

---

## CHAPTER 339.

An Act to incorporate The Hercules Powder Company.

*Passed at Dover, March 1, 1883.*

---

## CHAPTER 340.

An Act to revive and extend the time of recording the act entitled  
"An act to incorporate the Delaware Avenue Club Stables."

*Passed at Dover, March 1, 1883.*

---

## CHAPTER 341.

An Act to incorporate The Repanno Chemical Company.

*Passed at Dover, March 1, 1883.*



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 346.

An Act to incorporate The John Moir and Son Company.

*Passed at Dover, March 6, 1883.*

---

## CHAPTER 347.

An Act to incorporate The Diamond State Joint Stock Company, of  
Wilmington, Delaware.

*Passed at Dover, March 7, 1883.*

---

## CHAPTER 348.

An Act to incorporate The International Lumber Company.

*Passed at Dover, March 7, 1883.*

---

## CHAPTER 349.

An Act entitled "An act to incorporate The Milton Library Association."

*Passed at Dover, March 7, 1883.*





## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 354.

An Act to incorporate The Delaware River Dry Dock and Construction Company.

*Passed at Dover, March 8, 1883.*

---

## CHAPTER 355.

An Act to incorporate The Jackson and Sharp Company Beneficial Association.

*Passed at Dover, March 8, 1883.*

---

## CHAPTER 356.

An Act to incorporate The United Benevolent Daughters of Solomon, of Milford, Delaware.

*Passed at Dover, March 9, 1883.*

---

## CHAPTER 357.

An Act to incorporate The Broadkiln River Oyster Company.

*Passed at Dover, March 13, 1883.*



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 362.

An Act to incorporate The Clayton Fruit and Basket Company.

*Passed at Dover, March 23, 1883.*

---

## CHAPTER 363.

An Act to incorporate The Mispillion Conclave, No. 33, I. O. H.

*Passed at Dover, March 23, 1883.*

---

## CHAPTER 364.

An Act to incorporate The Delaware Fruit Exchange.

*assed at Dover, March 27, 1883.*

---

## CHAPTER 365.

An Act for the renewal of the charter of the Delaware Loan Association in the City of Wilmington.

*Passed at Dover, March 30, 1883.*



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 370.

An Act to incorporate The C. H. Treat Manufacturing Company.

*Passed at Dover, April 4, 1883.*

---

## CHAPTER 371.

An Act to incorporate The Diamond Milling Company.

*Passed at Dover, April 4, 1883.*

---

## CHAPTER 372.

An Act to incorporate The Milford Library Association.

*Passed at Dover, April 5, 1883.*

---

## CHAPTER 373.

An Act to incorporate The Shipley Street Sewer Company, of Wilmington.

*Passed at Dover, April 5, 1883.*



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 378.

An Act to incorporate The Bellah Iron Company.

*Passed at Dover, April 12, 1883.*

---

## CHAPTER 379.

An Act to incorporate The Electrical Construction and Maintenance Company.

*Passed at Dover, April 13, 1883.*

---

## CHAPTER 380.

An Act to incorporate The Brooks Underground Conduit Company.

*Passed at Dover, April 13, 1883.*

---

## CHAPTER 381.

An Act to incorporate The Universal Manufacturing Company.

*Passed at Dover, April 18, 1883.*









## TITLES OF PRIVATE ACTS.

## CHAPTER 393.

An Act for the relief of Sadie Fowler.

*Passed at Dover, March 20, 1883.*

---

## CHAPTER 394.

An Act to divorce William Parvis and his wife, Mary Ann, from the bonds of matrimony.

*Passed at Dover, March 2, 1883.*

---

## CHAPTER 395.

An Act to divorce John C. Creadick and Louisa Creadick, his wife, from the bonds of matrimony.

*Passed at Dover, March 22, 1883.*

---

## CHAPTER 396.

An Act to divorce Edwin H. Peckard from his wife Sarah E. Peckard

*Passed at Dover, March 23, 1883.*



## TITLES OF PRIVATE ACTS.

## CHAPTER 401.

An Act to change the name of Howard E. Montgomery to the name of Howard E. Cannon, and to make him by adoption the son and heir-at-law of George E. Cannon.

*Passed at Dover, April 3, 1883.*

---

## CHAPTER 402.

An Act to change the name of Willie C. Breeding to the name of Willie C. Covill, and to make him by adoption a son and heir-at-law of Francis M. Covill.

*Passed at Dover, April 3, 1883.*

---

## CHAPTER 403.

An act to divorce Seth O. Gibbons from his wife Lydia Gibbons.

*Passed at Dover, April 4, 1883.*

---

## CHAPTER 404.

An Act to divorce Jackson E. Hastings and Justina Hastings from the bonds of matrimony.

*Passed at Dover, April 6, 1883.*



## TITLES OF PRIVATE ACTS.

## CHAPTER 409.

An act to enable Joseph Vaughn to survey and locate certain vacant land in Broad Creek and Little Creek hundreds, Sussex county, and complete his title thereto.

*Passed at Dover, April 10, 1883.*

---

## CHAPTER 410.

An Act to divorce Sarah C. Evans and her husband, William A. Evans, from the bonds of matrimony.

*Passed at Dover, April 13, 1883.*

---

## CHAPTER 411.

An Act to divorce John C. Wilson and Anna J., his wife, from the bonds of matrimony.

*Passed at Dover, April 16, 1883.*

---

## CHAPTER 412.

An Act for the relief of Hannah Lizzie Danley.

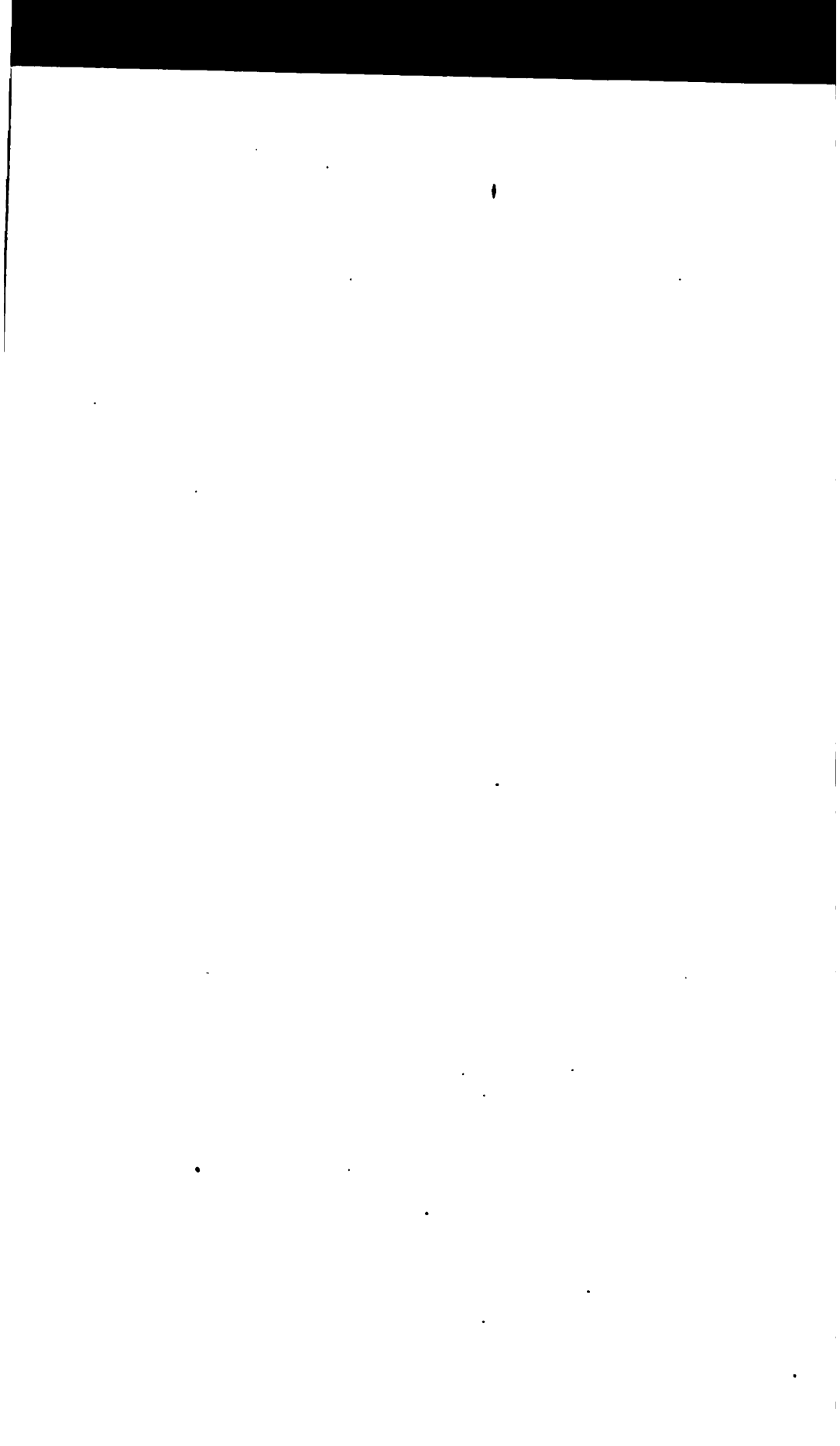
*Passed at Dover, April 16, 1883.*

















## ACTS AMENDED—CONTINUED.

Chapter 176, Volume 13.....	366
Chapter 385, Volume 13.....	15
Chapter 390, Volume 13.....	20
Chapter 479, Volume 13.....	341
Chapter 480, Volume 13.....	362
Chapter 643, Volume 13.....	293
Chapter 13, Volume 14.....	28
Chapter 22, Volume 14.....	532
Chapter 34, Volume 14.....	73
Chapter 114, Volume 14, as amended by Chapter 535, Volume 14 ...	364
Chapter 123, Volume 14.....	368
Chapter 539, Volume 14.....	372
Chapter 37, Volume 15.....	91
Chapter 54, Volume 15.....	102
Chapter 146, Volume 15.....	307
Chapter 152, Volume 15.....	363
Chapter 355, Volume 15.....	77
Section 1, Chapter 384, Volume 15, as amended by Chapter 389, Vol- ume 16 .....	137
Chapter 387, Volume 15.....	139
Section 7, Chapter 21, Volume 16.....	124
Chapter 31, Volume 16.....	27
Chapter 107, Volume 16.....	372
Chapter 108, Volume 16.....	398
Chapter 134, Volume 16.....	510
Chapter 148, Volume 16.....	521
Chapter 153, Volume 16.....	523
Chapter 154, Volume 16.....	526
Chapter 328, Volume 16.....	52
Chapter 369, Volume 16.....	79
Chapter 381, Volume 16.....	135
Section 1, Chapter 384, Volume 16.....	135
Chapter 390, Volume 16.....	138
Chapter 391, Volume 16.....	138
Chapter 392, Volume 16.....	141
Chapter 442, Volume 16.....	198
Chapter 461, Volume 16.....	243
Chapter 495, Volume 16.....	394
Chapter 499, Volume 16.....	209
Chapter 520, Volume 16.....	509
Chapter 54, Current Volume.....	96
Chapter 77, Current Volume... ..	131
Chapter 207, Current Volume.....	497
Chapter 207, Current Volume.....	504

## ACTS, PRIVATE—

An act to revive and extend the time for recording.....	18
Preamble.....	18
Time for recording extended.....	18









## ARMS, PUBLIC, AND DEFENSE—CONTINUED.

Aides-de-Camp.....	43
Governor to appoint other necessary officers.....	43
Duties of Quartermaster and Inspector Generals, in time of peace, performed by Adjutant General.....	44
Infantry Companies.....	44
Infantry Regiment.....	44
Battalions.....	44
Brigade.....	44
Division.....	44
Cavalry Troop.....	44
Squadron.....	44
Artillery.....	44
Annual appropriation.....	44
How expended.....	44
Proviso in regard to distribution of moneys.....	44
County Commissaries.....	45
Duties.....	45
Expenses.....	45
Adjutant General may condemn and sell arms, &c.....	45
Proceeds, how disposed of.....	45
Adjutant General to report to Governor biennially.....	45
Bond of Commissaries.....	45
Bond for safe return of arms.....	45
Troops, how called out.....	45
For war.....	45
To keep the peace.....	45
How paid.....	46
Special provision in relation to the City of Wilmington.....	46
Failure to obey call.....	46
Fine.....	46
Forfeiture of commission.....	46
Unmilitary conduct when on duty, how punished.....	46
When militia considered on duty.....	46
Fines, how recovered.....	46
Regulations governing active service.....	47
When companies may be disbanded.....	47
Return of arms.....	47
Care of wounded.....	47
Pensions.....	47
Horses taken for use of State, how appraised.....	47
Compensation for loss.....	47
Adjutant General.....	47
Duties.....	47
Annual salary.....	48
Commissaries to make return to.....	48
Neglect.....	48
Penalty.....	48
Reviews and inspections.....	48
Courts martial.....	48













































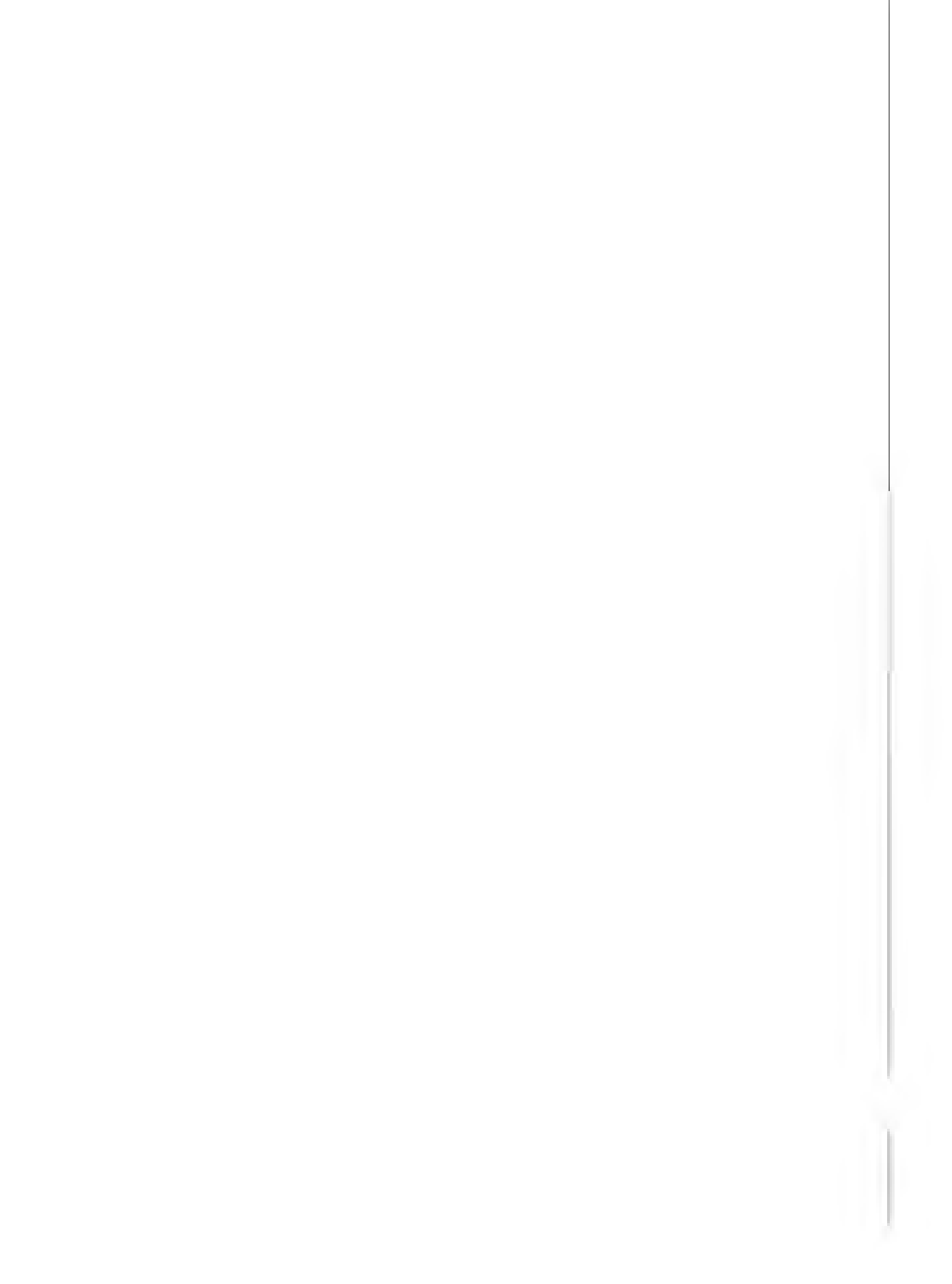
































































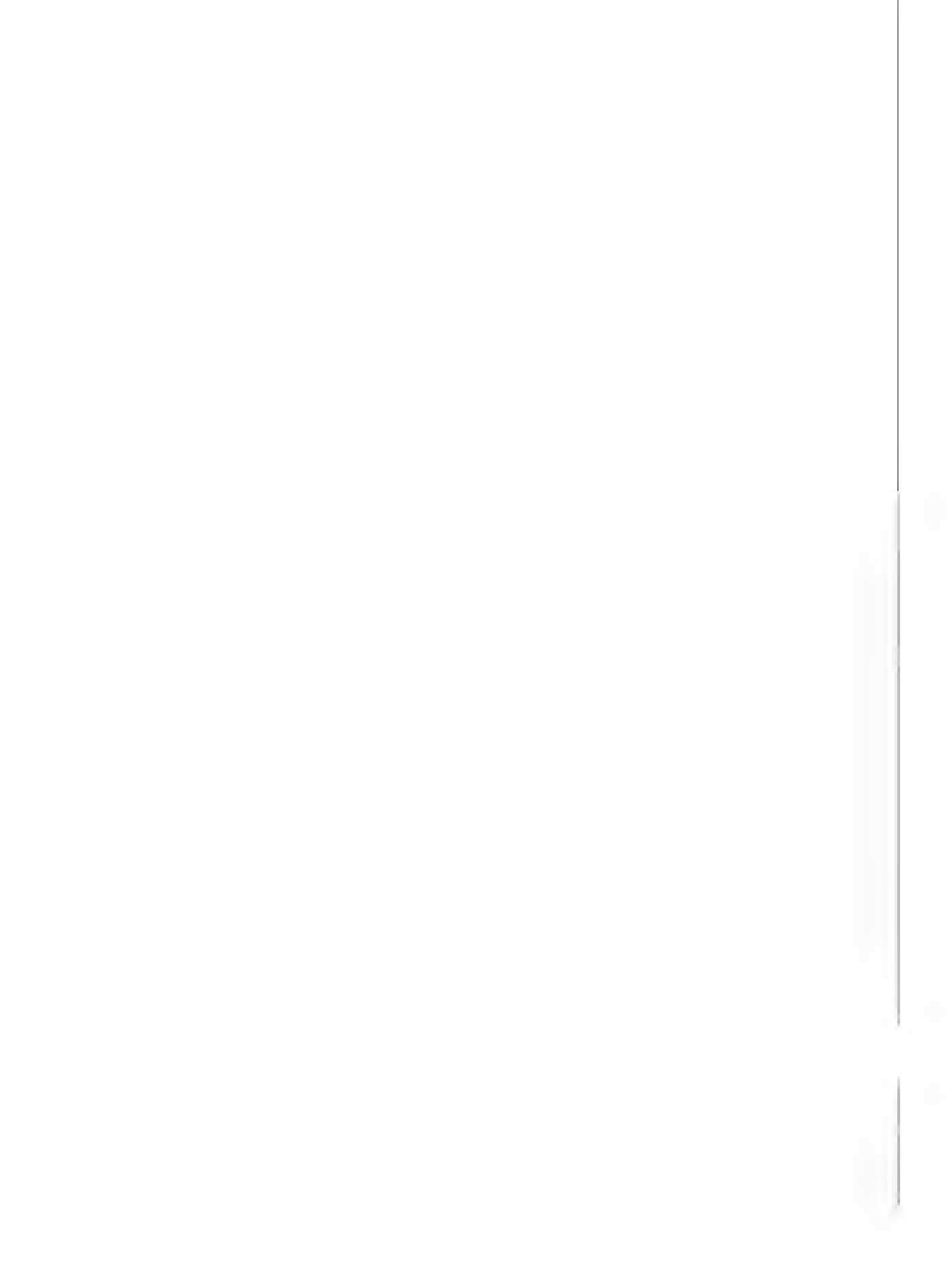




































































































1

















